NORTH AMERICAN REVIEW

No. DLXXIV.

SEPTEMBER, 1904.

WHY THEODORE ROOSEVELT SHOULD BE ELECTED PRESIDENT.

BY HENRY CABOT LODGE, UNITED STATES SENATOR FROM MASSACHUSETTS.

PRESIDENTIAL elections, as a rule, have hitherto belonged to one of two classes. They have either turned upon some one great and dominant issue involving the overthrow of an old policy and the establishment of a new one, or they have been entirely personal. The elections of 1800, of 1860, and of 1896 are examples of the first class. Those of 1824, 1828, and 1884 are examples of the second. In 1800, the question was whether the strong repressive and centralizing policies of the Federalist party should be continued; in 1860, whether the extension of slavery should be arrested; in 1896, whether the country should be placed on a silver standard and alienated from the gold standard of the great commercial nations of the world. In 1824, the "era of good feeling," perhaps more fertile in malignant personalities than any other period in our history, produced a campaign which turned upon the personal characters of the various candidates. The election of 1828, when Jackson defeated Adams, was possibly even more venomous, and that of 1884 was of a similar character. Where a single dominant issue, which arouses deep feeling, pre-

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vails, candidates occupy a secondary position in the public mind in reaching a decision. In a personal campaign, public policies have been lost sight of, and the contests have sunk to that state of degradation which always arises when votes are sought by virulent and distorted charges, many of them the inventions of malice, against the personal characters and past lives of the contending candidates. Fortunately for the sanity and decency of our politics, these purely personal campaigns have been comparatively few, and our Presidential elections have generally been decided upon some great public issue and the choice between well-defined but opposing policies.

In 1892, the election turned upon the tariff question. The issue was sharply defined; the Republicans, as always, stood for protection, while the Democrats declared for free trade and denounced the protective tariff as unconstitutional. There were, of course, then, as in every campaign, subsidiary issues and subjects of discussion more or less numerous and important; but, stated broadly, the campaign was decided upon the issue of protection or free trade. Upon that issue the Democratic party won. They came into power on the 4th of March, 1893, in complete control of every branch of the government; but, when they brought their principles to the test, they were unable to embody in law the policy they had declared, and upon which they had carried the country. The tariff which they passed was a protective tariff; for the mere fact that they lowered some duties did not alter the economic principle of the measure. The Congressional elections of 1894 turned again on the question of the tariff, and the failure of the Democrats in legislation and in finance had been so complete that they suffered a defeat more crushing than had ever been known when the passions of the country were not excited by war. If this same issue had remained the dominant one in 1896, the election would have been a repetition of those of two years before; but the business depression, with the consequent suffering entailed on all classes of the community, joined to the very natural eagerness of the Democrats to escape from a question upon which they had been already so disastrously routed, led to their making the question of free silver the leading issue of the campaign. The contest of 1896, therefore, was decided upon the money question and only secondarily upon that of the tariff. The Republican party, which stood for a gold standard and for protection, won, and

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since then has held complete control of all branches of the government.

Thus returned to power, the Republicans substituted a consistent protective tariff for the incoherent measure of 1894, and established the gold standard as firmly as it was possible to establish it by legislation. This action, with the coming of questions involving the Spanish War, territorial expansion, and the enhanced importance of our foreign relations, pushed into the background the issues of the tariff and the currency, upon which the politics of the country had turned from 1888 to 1896. The result of the past eight years has been, therefore, to produce conditions which give to the pending national campaign a somewhat unusual character. There is no one great and dominant issue, involving the destruction of an old policy or of a settled system of administration, or the establishment of a new policy or system, which absorbs the public mind and upon which it is obvious that the election must turn. On the other hand, there is no opportunity for that meanest of all campaigns, which turns upon charges, and personal attacks upon the characters and careers, both private and public, of the candidates. Yet the issue to be decided is, none the less, a momentous one. It involves, in the broadest way, public policies and national administration, for the policies pursued in the recent past are those of the present moment and of the immediate future. The question for the people to decide this year is, whether these policies shall be carried on as they have been and are now being carried on, whether the government shall be administered as it has been and is now being administered, or whether the policies and administration alike shall be committed to new hands, without any very clear knowledge of what those new hands would do should power be entrusted to them. This question can only be decided intelligently by a consideration of what the party in power has been doing, and what the party out of power seems likely to do under conditions and in the presence of problems which have been existent and vital in the recent past, and are so at this moment. This is very far from being the old demand that the Republican party should be retained in power because it fought the Civil War and abolished slavery, or that the Democratic party should be kept out of power because it supported slavery and opposed the war. The argument here is that the party in control of the government should be

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continued in its control because it is at this moment dealing with the same questions which it has been dealing with for the last eight years, and that if it remains in power it will go on dealing with these identical questions in precisely the same manner. It is not necessary to ask what the Republican party proposes to do as to any subject of public interest now present in the minds of the country, but what they have been doing and what they are doing as a matter of fact. In other words, it is upon the action of the Republican party and its administration during the last few years, and upon its policies and its character as contrasted with the attitude, propositions, and character of the Democratic party, that this election must be decided.

Let us now apply this rule to the various questions of public interest before the country in turn and consider the result. Let us begin with the tariff, which is always with us. The Republican party is for protection, as it always has been. A somewhat careful study of the Democratic official utterance upon this question leads one to the conclusion that the Democratic party is not for free trade, but is for some kind of protection which shall be a little different from the Republican kind, but which shall result in a tariff that will suit every district and every State, guard our industries and our labor, be a burden to no one, and afford no help to wicked persons combined in trusts. This kind of a protective tariff which the Democrats propose, is one which everybody desires; but the only law which would meet these requirements is one which has never been drafted, and which exists only in the glittering generalities of the platform-makers. The tariff, however, is eminently a practical question which cannot be settled by unmade laws or unformulated schedules, varying for every district and suited for all localities, and the only real way to decide it is to see what the two parties have done in this direction.

The last Democratic revision of the tariff, whether from a free trade or a protective standpoint, was a gloomy failure. Mr. Cleveland took so dark a view of the performance that he called it "perfidy and dishonor," and would not sign the bill. The last Republican revision of the tariff, on the other hand, has been a great success. Under it the country has had varying degrees of prosperity, but always prosperity, and generally of the highest kind. It has produced abundant revenue, and has been accompanied by the greatest expansion of foreign exports ever known.

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If business conditions in the course of the next year or two demand a revision of the tariff, is it not likely to be made better by the party which has been eminently successful in revision than by the party which absolutely failed when that task was committed to it?

Take the currency. The highest authority in the Democratic party, the National Convention, has just assured us that the gold standard is not an issue, and that the Democratic candidates can hold any opinion upon this subject which they see fit. This is liberal and tolerant, but is it reassuring? The gold standard depends upon laws upon the statute-books. These laws were placed there by the Republican party. So long as the Republican party is in power, they will neither be attacked nor repealed, because the Republican President and the Republican party are absolutely at one in their belief in these laws. The Republicans cannot hold any views they desire about the gold standard and remain, properly speaking, Republicans. The Democratic candidate for President voted for Bryan and free silver in 1896 and 1900—and the Democratic candidate for Vice-President voted against the resumption of specie payments act in 1875. They are both of opinion now that the gold standard is fixed irrevocably, but they have themselves shown an interesting flexibility on this important question. Democratic Congressmen and Senators, for their part, are at perfect liberty to go to Washington and make any attacks they please upon our currency laws and upon the gold standard. Even if they should fail in their assaults, agitation about the standard of money and attacks upon it are only less prejudicial to business confidence than the absolute repeal of existing laws would be. It is, in other words, of the utmost importance not only that the President should regard the gold standard as fixed and irrevocable, but that he should believe in the gold standard, a point upon which the Democratic candidate has not instructed us, and that his party should hold that the gold standard is not only fixed and irrevocable, but the only sound standard to be maintained by a great commercial country.

Let us now come to foreign relations, which have assumed a gravity and importance during the last eight years quite unknown to the thirty years which preceded 1896, and which are certain to increase in importance and never again to diminish. Have not our foreign relations been well managed during that period

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by the Republican party? I do not think any reasonable man will answer otherwise than in the affirmative. Foreign opinion certainly recognizes in the fullest manner the great success of President McKinley, President Roosevelt, and Mr. Hay in this direction. Could anything have been better than our course in China at the time of the Boxer troubles, or more masterly than the settlement of the difficult Venezuela complications, or more successful than the settlement of the Alaskan Boundary dispute? Are we not at peace with all the world, and were we ever more respected abroad? The last time the Democratic party had control of our foreign relations, they signalized that control by a blundering attempt to reverse the unbroken policy of America in regard to Hawaii, which has since become a territory of the United States, and by taking a feeble attitude toward Spain which showed a complete misconception of existing conditions and made it impossible to avoid war. If the Republican administrations have managed our foreign relations with complete success, and if the last efforts of the Democratic party in that direction were equally conspicuous blunders, why take this all-important power of government from the hands of the successful and give it to the critics who have failed?

The Republicans were responsible for the conduct of the War with Spain. The victory was complete and came in a hundred days, which offers a fair presumption that if the perils of war should again be forced upon us, which no one anticipates, the Republican party will again prove itself capable of meeting such emergencies.

We have dealt successfully with Cuba for the great benefit both of her people and of ours. Is there any reason to suppose we shall not continue to deal well with Cuba, with whom our relations must always be close? Are we not likely to do better than the men who voted against the Platt Amendment and the treaty of reciprocity?

Our administration of the Philippines has been a great and acknowledged success. Law and order reign in the islands to a degree never known before. We have conferred upon the people an amount of civil liberty utterly unknown to them hitherto. We have given them a larger share in their own government than they have ever had, and are steadily increasing their opportunities for self-government. Is it likely that a party which has opposed

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every measure for the benefit of the Philippine Islands will administer their affairs better than the party which, in three years, has done so much for them? The Democrats demand that we shall promise them independence, not now, not in five years, not in ten years, nor at any definite time, but simply make an empty promise. The Democrats in this proposition are thinking of votes in the United States which may be gained by such a promise as they propose to offer. The Republicans, thinking of the Filipinos and of their interests, and not of the votes to be gained or lost in the United States, know that nothing could be more harmful to the Philippine people and their interests than to make to them vague promises, or, indeed, any promises which we are not prepared to carry out at once and to the letter.

For three-quarters of a century the United States has been longing, hoping and planning for a canal to connect the Atlantic and Pacific oceans. Within the past eight years, a Republican administration has removed the obstacle to a purely American canal which existed in the Clayton-Bulwer treaty. Pressing steadily forward, President Roosevelt with swift decision and unhesitating action has acquired for the United States complete control of the best route. Panama has been paid her ten millions, the French rights and all the work done by the French have been bought for forty millions more, and this immense monetary transaction has been carried through without a jar to business or any strain upon the Treasury. A commission has been appointed and the work upon the canal begun. Is it wise to take this vast undertaking from the hands of those who have made it possible and who have started the work, and entrust it to those who have done nothing but clamor for a canal, while they diligently threw every possible obstacle in the way of our having one?

The country has been much excited and public opinion much aroused of late years as to great combinations of capital. The Republican party has enforced the law against these combinations, and has passed new laws to prevent unjust and illegal freight discriminations and to secure due publicity in regard to corporations. The Democratic party, having failed to enforce the law when it had the opportunity, now promises to enforce it if entrusted with power, and alleges that the Republican party, when it enforced the law, did not really mean to do what was actually and effectively done. Is this a sufficient argument for taking the question

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from the hands of the party which has really acted upon it, and entrusting it to a party which has contributed to the solution of this difficult problem, requiring the firmest, most careful and most conservative treatment, nothing but lungs and language?

Such in brief review are the pending questions of the campaign; those questions which are of interest to-day, and which are certain to be before Congress and the administration in the immediate future. It is for the people to say whether they wish these questions to be dealt with as the Republican party has been and is dealing with them, or whether they will entrust them to another party which has thus far failed, even when they have had an opportunity, to solve these problems, or which in opposition has shown no greater capacity than to resist Republican action merely because it was Republican.

It only remains now to look at the character of the two parties and their candidates. To attempt to separate a Presidential candidate from his party is always both idle and mischievous. We do not elect a single man to govern the United States. We entrust the government to a party, represented both in the Executive and in Congress. Is the Democratic party as well constituted as the Republican party to carry out governmental policies and deal with existing questions? The ruling element in the Democratic party, both in the Senate and in the House, is furnished by the South, and Southern Senators and Representatives are elected exclusively on a single issue, that of race, which is not an existent question in the Congress of the United States. The result is that the ruling element of the Democratic party in Washington is chosen to office on a wholly irrelevant issue. They agree as to what the relations between the blacks and the whites in the South should be and they agree upon nothing else. When they come to dealing with the tariff they vary in opinion, from the high protectionists of Louisiana to rabid free-traders like Mr. Bourke Cockran of New York. For this reason, they cannot pass a tariff bill because they have no general agreement among themselves upon a tariff policy. In regard to the currency, they vary from the free silver of Nebraska and Nevada to the extreme gold standard of New York, and there is no cohesion among them sufficient to prevent any sort of attack upon the gold standard emanating from their ranks. They clamor for reciprocity, which is essentially a protective policy; yet, when they came to the treaty with Cuba, every vote

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but one against Cuban reciprocity was furnished by a Democrat. They were vociferous in their zeal for a canal, and every vote against the treaty, which, for the first time and finally, gave us a canal route, was furnished by a Democrat. Is this incoherent body as good an instrument for government which must be carried on by a political party as the Republican party, which is thoroughly united in general principles and able to formulate its policies in law?

Pass from the parties to the candidates. There is no need, even if I had space, to rehearse the career of President Roosevelt. His views on all the great questions of public policy and administration are familiar to every man and woman in the United States. He has carried on the policies of his predecessor; he has been loyal to Republican principles. He has fearlessly enforced the laws in regard to trusts. His prompt and courageous action has given us the Panama Canal. He has raised the prestige of the Monroe Doctrine to a higher point than ever before, and brought the great nations of the earth to the Hague Tribunal, a signal service to the cause of peace. Under his administration and that of Mr. Root, the Army has been raised to a higher efficiency than ever before. The Navy was never so strong, and wrong-doing in the Departments of the government has been investigated, brought to light, and punished with an entire disregard of personal or political ties. His character is above reproach, his courage is as unquestioned as his patriotism; he is trained to public life and public questions. There is no part of this country which he does not know, and with which he does not sympathize, and the only charge made against him is that he is unsafe because he has shown himself dangerous to law-breakers great and small. He is aware that the highest conservatism lies in the maintenance of the laws, and the most dangerous anarchy in the failure to enforce them. There is no mystery about him, and he has no secrets from the American people. His associate on the ticket is a distinguished Senator and eminent lawyer, trained at the bar and in public life. He is a consistent, lifelong Republican of settled principles and firm convictions. He is fitted in every way in which a man can be fitted for the safe, wise, prudent conduct of government.

Over against President Roosevelt the Democrats have nominated Judge Parker of New York. He, too, is a gentleman of unblemished character. He has been for many years a sound and

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respectable, if not a brilliant, judge. His opinions upon public questions are totally unknown, with a single exception. The country is aware now that he believes the gold standard to be fixed and irrevocable. After the Democratic platform had been agreed upon and all references to the gold standard omitted by a formal vote, and after Judge Parker had been nominated by the votes of silver men who had been assured by Mr. Hill that he did not know his candidate's views upon the money question, Judge Parker broke his silver silence with golden speech. Although Judge Parker had voted twice for Mr. Bryan on a platform of free silver at the ratio of sixteen to one, no one supposed that he really meant what his vote said. Every one believed, I think, that he was in favor of the gold standard; but the importance of his telegram consisted in the fact, not that it was an expression of his opinion, but that it converted him to that extent from a name into a person. No safer telegram was ever sent. The courage, which made two or three somewhat neurotic newspapers hysterical, is not equally obvious to sensible men or to those familiar with politics. But the adroitness and effectiveness of the telegram, sent at the precise moment when it could not endanger his nomination, and when it saved the party from being utterly hopeless in the campaign, are beyond question. His associate on the ticket is a most excellent gentleman, of large property and eighty-one years old. I believe that sentence states Mr. Davis's qualifications for the Vice-Presidency completely. The most interesting point about his candidacy is the speculation which it opens, if the Democrats should win, of Judge Parker's Secretary of State, presumably Mr. Hill, attaining to the Presidency.

The parties and their candidates are before the country. The Republican party deserves success because its efficiency as an instrument of government has been proved. It is a party capable of government and of administration. The Democratic party has manifested only incapacity in this direction. The Republican party should be retained in power because its policies have been tried and proved, and because, by its character, its solidarity and its action at the present moment and in the immediate past, it gives a better pledge for a safe, strong and prosperous government than any platform utterances or even than a single telegram can possibly furnish.

H. C. LODGE.

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DO OUR PEOPLE WANT AN ARBITRARY GOVERNMENT?

BY WILLIAM F. SHEEHAN.

WE have before us three documents, which may be accepted, we presume, as authoritative expositions of the grounds on which the American people are invited to give the Republican party a further lease of power. These documents are the speech made by ex-Secretary Root, as temporary chairman of the Chicago Convention; the platform adopted by that body, and the speech in which Mr. Roosevelt accepted the nomination.

It will be observed that the Republican programme, as it may be deduced from those utterances, is singularly barren of promises. We scan it in vain for any definite commitments to economy in the national expenditures, to an immediate and reasonable revision of the tariff, to a more drastic prosecution of the unlawful Trusts, to an early recognition of Filipino independence, to a sedulous observance of constitutional limitations in the conduct of the Federal Government, to a vigilant avoidance of involvement in foreign complications and to a renouncement of the notion that the United States are charged with an evangelizing mission to remote and alien peoples. So far as pledges of affirmative action or self-denying covenants are concerned, the Republican party, or the Chief Magistrate who personifies it, will be at liberty to do, or to refrain from doing, almost anything it or he may choose, if a new mandate be secured from the voters on the strength of the vague, reserved, elusive, ambiguous declarations made in the three official or semi-official documents to which we have referred. Mr. Root, the Chicago platform and Mr. Roosevelt himself, concur practically in the assertion that professions and promises on the part of the Republican party would be superfluous, because that party "stands upon its record," and, in view of its past achievements, is

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justified in requesting a *carte blanche* for the future. They also concur in adding that while the Republican record constitutes a conclusive voucher of continued fitness for power, the Democratic record presents a tissue of disqualifications, the inference suggested being that to substitute the one party for the other in control of the Federal Government would be an act of lunacy.

It, therefore, behooves thoughtful citizens, who stand outside of partisan lines and hold the balance of power, to inquire whether it be true that performances must always count for more than promises; whether a political party can base upon its record an indefeasible title to continuance in office; whether the Republican record is, as a matter of fact, so free from cloud or blemish as it is depicted; whether, in truth, the Republican party is not, at present, so thoroughly incarnate in Mr. Roosevelt's personality that, mainly if not exclusively, its record must now be sought in the words and the deeds of its nominee; and whether, finally, the Democratic programme as expounded by the wisdom and guaranteed by the character of Chief-Judge Parker, and as accredited by the applause of the conservative leaders who pointed Democrats the way to victory in 1884 and 1892, and whose co-operation is again accepted with cheerfulness and confidence in the campaign now begun, does not justify sober-minded, peaceful, prudent and patriotic voters in regarding the reunited Democracy as a refuge from misgiving and alarm, from the danger of Executive usurpation and extravagance, from the sting of arbitrariness and the yoke of militarism, from disdain of precedent and contempt of law, and from warlike adventures for gain and glory.

I.

There is, of course, nothing new in the claim of a political party to base on past achievements a title to the prolonged retention of public confidence. When in Great Britain the younger Pitt became Prime Minister in December, 1783, the Whigs had enjoyed an unbroken lease of power for seventy years, and in the eyes of their leaders the attempt to supersede them was shocking and almost impious. Nevertheless, a few months later, they sustained an overwhelming defeat at the hands of the constituencies, and the Tory party regained ascendancy, which, except for a brief interval, they continued to hold for forty-six years. If parties ought to be judged by their past performances rather than by their

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promises, the Whigs ought to have triumphed in England in 1784, and the Tories in 1830-32; for the former could say with truth that their country owed to them their liberties, and the latter could point with justifiable pride to the dauntless courage and splendid success with which they had carried their native land through the Titanic wars against the French Republic and French Empire. If it be a fact that the record of a party suffices to shield it from defeat, John Adams must have beaten Thomas Jefferson in 1800; for none could deny that the Federalists, during the twelve preceding years, had proved the Constitution to be workable, had solved the problems of the Continental and State debts, had created a stable and efficient government and had brought the Republic safe through a whirlpool of foreign complications. If ever in history a political organization could find in bygone services a voucher of continuing trustworthiness, it was the Republican party in 1876, when Appomattox was but eleven years away; yet we need not recall that its draft on the public confidence was dishonored, so far, at least, as the popular vote for Hayes and Wheeler was concerned.

It is, then, historically true, as it is philosophically just, that political parties cannot be permitted to live indefinitely on their records. New conditions require new measures; new times, new men. In the economical, political and international development of a people, there are certain to arise conjunctures when it becomes a matter of imperative, urgent and vital importance to know, not what a given party has done, but what it means to do; to consider, not what a particular citizen, who is a candidate for public office, may have accomplished under other circumstances, but how he would be likely to meet existing exigencies, or deal with a threatened predicament. John Adams failed to secure a majority of the Presidential electors in 1800, because there was a prevailing impression that the Federalists had gone too far in the way of promoting a centralized and arbitrary government, and that a wholesome corrective was needed in the shape of a Democratic reaction. If a majority of the voters testified their wishes to make Samuel J. Tilden President in 1876, it was because they believed him qualified and determined to purge the Federal Administration of corruption, and because they had no faith in the professed willingness of Republicans to perform the task of self-purgation. This year the Republicans are taking, with reference

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to the public demands, necessities and misgivings, the same unsatisfying ground which they occupied in 1876; they try to fasten attention on the victorious conduct of the war with Spain, and to blot from remembrance the hundreds of millions which the retention of the Philippines has cost us; they recall with complacency their establishment of the gold standard, which nobody dreams of disturbing; pluming themselves on a prosperity which, once in a decade, recurs with clocklike regularity, and which is already vanishing, they turn an indifferent ear to the demand for tariff revision; they eschew, as we have said, definite promises and steer clear of explicit pledges which it might be awkward to fulfil; they treat, in fine, the national gratitude as an inexhaustible fund, and exact unlimited discretion by way of interest on the debt under which they assume to have placed the country.

We submit that the claim of the Republican party to stand upon its record came to an end in 1900; that, by eight years of power, it has been amply paid for whatever good work it accomplished under the McKinley Administration; and that, for so much of its record as has been made up since the accession of the present President, it is called upon to defend itself, and to show cause why a writ of ejectment should not issue. As a matter of fact, however, not even an attempt is made, in the Chicago platform or in the President's speech of acceptance, to convince the people that there is ground for expecting anything more to be done by Republicans in the line of tariff revision during the next four years than has been effected in the last three; or for counting upon more prudence, self-restraint, conservatism and respect for law on the part of Mr. Roosevelt in a second term than he has exhibited in his first.

II.

In examining the question whether their record during the last three years is one on which Republicans can reasonably appeal to the country, we must keep steadily in view the fact that it is impossible to differentiate Mr. Roosevelt from his party. It was quite practicable to distinguish General McClellan in 1864 from the dominating element in the Democratic Convention of that year, for he repudiated the principal plank in that convention's platform. Nor can it be denied that distinctions may be drawn between the views of Chief-Judge Parker on some momentous questions and those which, for a time, preponderated in this year's

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Democratic Convention, or between the platform framed at St. Louis and his lucid, coherent, sober speech of acceptance. Between Mr. Roosevelt, however, and the Republican National Convention, or between his speech of acceptance and the platform put forward at Chicago, not the minutest line of cleavage is traceable or conceivable, because Mr. Roosevelt held that convention in the hollow of his hand; designated the presiding officers; prescribed the nominations; dictated in advance the platform, of which his speech of acceptance was, logically and inevitably, only a belated echo. In a word, Mr. Roosevelt is the Republican party, if identity of substance be deducible from absolute acquiescence and the total absence of dissent, protest or insubordination. It follows that, when Mr. Root spoke, and when we speak, of the Republican record during the last three years, he meant and we mean, necessarily and exclusively, Mr. Roosevelt's record. It is the President's record, and nothing else, that is the primary, the fundamental, the absorbing issue in this canvass, upon which judgment is to be pronounced at the ballot-box next November. Do the people approve of this record, and of the personality which it unmistakably reveals? If they give Mr. Roosevelt a second term, they will do it with their eyes open, and they cannot afterwards fairly complain of any act on his part which shall be plainly deducible from traits, proclivities and tendencies already disclosed.

Let us look at Mr. Roosevelt's record, of which both he and his party seem to be proud, and with which, undoubtedly, both must stand and fall. We are far from asserting that something may not be said, in the forum of ethics, or from the view-point of temporary expediency, for some of Mr. Roosevelt's acts, to which, nevertheless, exception may be justly taken by scrupulous and far-sighted observers of constitutional and statute law. Let us concede that the President's interposition in the anthracite-coal strike may have been the outcome, not of a craving for popular support, but of a generous impulse, an altruistic desire to relieve a considerable section of the community on the Atlantic seaboard from the hardships caused by a dearth of their customary fuel. From the moment, however, that Mr. Roosevelt swore to obey the Constitution and the laws of the United States, he was no longer at liberty to gratify a sympathetic yearning, unless he could find a warrant for such gratification in the text of the Federal organic law, or in some construction thereof by a Federal tribunal. It is

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certain that none of the cases for Federal intervention specified in the Constitution existed in the anthracite region; yet it does not appear that Mr. Roosevelt consulted with his Attorney-General as to the legality of his proposal to mediate between the striking miners and their employers. It may be affirmed with confidence that no counsel learned in the law could have pointed the President to any constitutional authority for such mediation. The President must, therefore, have acted on his own initiative, and it follows that, however exemplary his intention may have been, and however salutary the effect of his act, he established a precedent which, in other hands, and under other circumstances, may be turned to dangerous account.

Much the same thing may be, and ought to be, said about the course which Mr. Roosevelt pursued with an eye to the acquisition of the Panama Canal franchise. Unquestionably, an interoceanic waterway is needed by the United States for strategic as well as commercial purposes; and, unquestionably, the Bogota Executive had agreed to sell the franchise for a specified sum. It is equally indisputable, however, that the Colombian Congress technically had as much right to reject the compact as our own Senate might have asserted, and that, the canal agreement made in Washington having been brushed aside at Bogota, our relations with Colombia should have reverted to the *status quo ante,* and been governed by the Treaty of 1846. It is impossible to reconcile the obligations contracted by us in the last-named Treaty with Mr. Roosevelt's stiff-necked refusal to permit the Colombian authorities to recover by force control of the Isthmus of Panama. To comprehend what Colombians must think of the refusal, we need only ask ourselves what we should have thought in April, 1861, if Great Britain, determined to assure a continued outflow of raw cotton from her principal purveyor, had forbidden us to relieve Fort Sumter. Here, again, we concede that Mr. Roosevelt may have acted for what he believed to be the best interests of his country; but is there not a lamentable want of foresight in the assumption that the United States can afford to stand before the world as a violator of treaties, as the despoiler of a sister commonwealth too feeble and friendless to resist?

III.

Let us pass to some of Mr. Roosevelt's acts and utterances, less easily defended by the plausible plea of good intentions, or on the

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score of ostensible expediency. We observe, first, that, in his speech of acceptance, as in the Republican platform, every word of which was dictated or approved by him before it was laid before the Chicago Convention, the President, although at one time a strenuous opponent of high protection, has nothing but eulogy for the Dingley tariff, an embodiment of protection carried to the extreme of prohibition. He has repudiated the position taken by President McKinley at Buffalo, where the urgent need of reciprocity and revision was acknowledged, and he has concurred without hesitation or qualification in the preposterous claim set up by the "Stand-patters" that, if any change in the tariff should conceivably be desirable at some distant day, the formulation of the change should be entrusted only to the men who have profited by its abuses, and who for the last three years have refused to permit any change whatever, except in the matter of a trivial concession to Cuba. By the disavowal of his earlier opinions, and by the violation of the assurances given on his accession to the Presidency, that he would faithfully carry out the policies and the purposes of his predecessor, Mr. Roosevelt has disclosed a willingness to sacrifice cherished convictions and solemn promises to personal ambition and self-interest. This, in the teeth of his professed determination to do fair and equal justice to all men.

The Cabinet which Mr. Roosevelt inherited from his predecessor has been subjected to drastic reconstruction, for no reason, apparent to the ordinary mind, except a determination to place at the head of the Republican National Committee the Secretary of the Department of Commerce, who, with the inquisitorial facilities at his disposal, must have acquired exhaustive information concerning the inner workings of corporations and combinations which are objects of popular denunciation, but from which campaign contributions may be insidiously extracted. How is it possible to apply such adjectives as frank, open, manly, straightforward, to a proceeding so suspicious? How can we marvel that a fair-minded onlooker like Mr. Joseph Pulitzer should have been impelled to ask in his open letter to the President: "What, save a consuming ambition to be elected Chief Magistrate in your own right, could have led you to convert your former confidential secretary and favorite trust-investigator into a professional 'trust-fat-fryer'"?

It was, of course, in the interest of his *protégé,* former Assistant-

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Surgeon Leonard Wood, that Mr. Roosevelt created another mischievous precedent, when he called into existence a "constructive recess" between the extra session and the first regular session of the Fifty-eighth Congress, which, as a matter of notorious fact, were merged in one another. It may be said that the performance had no serious consequences; but they who take this indulgent view fail to perceive that the President now betrayed a disposition to disregard a specific mandate of the Constitution, in pursuance of which the commission of Major-General granted to Leonard Wood should have expired at the end of the extra session. That is to say, having presumed, in the anthracite-coal strike, to exercise powers for which no warrant could be found in the Constitution, Mr. Roosevelt was emboldened by impunity to go further, and, in the assertion of a "constructive recess," to defy an explicit prohibition. Neither will the voters fail to mark that this indication of disdain for the limitations of the Constitution was but the culminating demonstration of an inflexible resolve to promote Wood over scores of older and abler men, honored veterans of the Civil War; a promotion which has shocked and demoralized the Regular Army.

We have not yet come to the end of the evidences of contempt for law, which Mr. Roosevelt has not scrupled to afford even now, when, as yet, he is only President by a deplorable accident, and when, as being a candidate for election to the office, he would be restrained by ordinary caution from giving full rein to his natural inclinations. We need not say that Congress alone is clothed by the Constitution with the power to define the qualifications for a pension. Those qualifications have been set forth explicitly in Federal statutes. Nevertheless, Mr. Roosevelt, by an "Executive order," has announced that the attainment of a particular age shall constitute *prima facie* proof of the physical and mental disability which, by law, entitles certain specified classes of persons to the receipt of pensions.

IV.

If, even in matters of *domestic* administration, and while he is, so to speak, only a President on probation, Mr. Roosevelt has not been able to conceal his impatience of constitutional restraints, to what lengths may he not be carried by a self-willed and domineering temper, in his relations with *foreign* Powers, when he is no longer bridled by the fear of reprobation at the ballot-box, but is

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stimulated by the knowledge that the voters, fully alive to his choleric and pugnacious disposition, have deliberately given him a free rein? Can the danger of international embroilment be underrated by thoughtful men, who appreciate how vast and elastic are the war powers of a President, and how easily a Chief Magistrate, under our Constitution, can contrive a pretext for calling those powers into exercise? The right of formally declaring war is reserved by our organic law to Congress; but, as one of Mr. Roosevelt's predecessors is said to have pointed out, the President may, at any time, force Congress into hostilities. It is well known that, in 1846, President Polk brought on a war with Mexico by ordering our troops into disputed territory. There is no doubt, also, that a President may, by his Executive order, by his negotiations, or by his refusal to negotiate, so entangle us in a foreign complication, that it may be impossible for Congress to withhold a declaration of war.

When, moreover, hostilities have been formally begun, the war power of a President has been justly described by Mr. Bryce as that of a dictator. Under President Lincoln, this power was carried to an extreme that could scarcely be surpassed in despotic principle, for it involved the substitution of military for civil authority and the arbitrary suspension of the writ of *habeas corpus*. The tremendous capabilities of an American Chief Magistrate in respect of provoking wars, and of usurping supremacy under the pretext of waging them, have never been as yet thoroughly revealed, because, down to the present time, our Presidents have been, by nature and discipline, conservative and cautious men. No careful student of our Constitution has ever expressed a doubt, however, that, if a Cæsar or a Napoleon should ever become President, he could make of the Executive almost anything he wished.

Do prudent citizens, who wish to see their country shielded from foreign entanglements, deem it safe to entrust the war-provoking and war-waging powers of a President to Mr. Roosevelt, in view of the proofs that he has given of a bellicose, reckless and meddlesome spirit, by the despatch of war-ships to Beirut, Morocco and Smyrna, on insufficient information or with impossible demands; and in view of his startling intimation to Latin-American republics that, unless they not only make reparation for public wrongs, but pay promptly to foreign creditors all debts arising out of contracts, they may look for coercive intervention on the part

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of the United States? Do our citizens really mean to authorize their Chief Magistrate to act as judge, jury and sheriff in the case of every European claim put forward against delinquent or bankrupt commonwealths of the New World?

V.

The American people are not forced to accept Mr. Roosevelt for a pilot, nor his dangerous conception of a President's duty for a chart, during the quadrennial voyage which will begin on March 4, 1905. They have before them an alternative; and they will only have themselves to blame if their heedless or perverse neglect to take it shall prove to them hereafter a source of bitter regret and sorrow. In an hour of enlightenment and patriotic fervor, when perhaps they builded better than they knew, the Democratic party put forward at St. Louis, for the august, commanding and largely judicial office of Chief Magistrate, a man who, in temperament, character, experience, training, methods, ideals and aspirations, is the antithesis of Mr. Roosevelt. That man's record is a life spent upon the bench, where he has been taught to subordinate ambition to duty, where loyalty to law has become as the breath of his nostrils, and where he has learned to steer by the pole-star of the common weal. How he would guide the ship of state, if the helm should be confided to his hand, may be seen from his speech of acceptance, in which his principles and intentions are stated in modest, clear, plain, unmistakable language, instinct with simplicity, sobriety and truth. He promises no more than he believes he can perform; he makes no professions which he has no hope of translating into acts. Of this, at least, however, his fellow countrymen may feel assured, to wit, that, if they shall make Alton Brooks Parker their Chief Magistrate, they will enter upon an era of safe, economical, unpretentious, constitutional administration, a reign of law, a régime of peace.

WILLIAM F. SHEEHAN.

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MAGAZINE WRITING AND LITERATURE.

BY HENRY MILLS ALDEN, EDITOR OF "HARPER'S MAGAZINE."

In the criticism of contemporary literature, not only our own contemporary literature but that of previous ages, there has always been a tendency on the part of academically trained critics to disparage the present as compared with the past. This tendency discloses the vice as well as the virtue of that conservatism which has the long view backward but the limited view of the present and future, and which, while it holds to the established best, ignores the best that is in the making.

As a corrective, we need for literature such a plea as Professor Lounsbury is in the habit of interposing for language—a protest against the purist and an apology for legitimate freedom and flexibility. Professor Lounsbury's defence of new locutions should find, for a proper adjustment of our critical view, a counterpart in some equally effective justification of new literary styles, in so far as these stand for new attitudes of the human intelligence and sensibility toward life and the world.

Our judgment is not merely a matter of orientation—the turn of our thought backward through well-worn channels to familiar traits and canons which have the sanctions of classical authority. We incur the peril of a vast ignorance if, in our regard for the continuity of human culture, we confine ourselves to a retrospective view, and disregard, or court only for our amusement, the novel phenomena which constantly present themselves in the field of literature and which seem, in our conventional view, "sports of nature" and violently reactionary. So a follower of the Hesiod cult might have regarded the invasion of the Homeric influence, which turned out to be the inspiration of what was best in Hellenic art and literature. So Doctor Johnson must have looked upon the swelling current of romanticism

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which swept away the artificial decorations and conventions of two generations of English classicism.

We of the East, accustomed from the beginning to look across the Atlantic for our models and inspirations, have given too little heed to the development of the new spirit in the West, excepting as it has been embodied in the personality of a statesman like Lincoln or of a humorist like Mark Twain. That way lies for us the freshly unveiled Pacific, our dream of Empire, and the magnificent realization of material grandeur and enterprise—a realm of vast adventure which for more than fifty years has been invested with the golden glamour of Argonautic romance. We have felt all this, but we have failed to comprehend the mental attitude of the people who have accomplished these material results—an attitude developed in the light and shadow, and under the stimulus and oppressiveness, of such achievement.

Therefore the sympathetic and luminous exposition which Professor Henry Loomis Nelson has recently given us of the Middle West has arrested general attention, as a novel disclosure of character and conditions. He has brought within his consideration not only the Middle West but what, in a very original discrimination, he calls the Eastern West and the Western West. These papers of Professor Nelson, in themselves excellent examples of a new kind of interpretation which, in the natural course of progressive development in magazine writing, has become possible, taken in connection with Mrs. Elia W. Peattie's brilliant studies of literature and society in the same region, show us to what an extent the strenuous men of the West are absorbed in schemes of mechanical progress and commercial expansion, while social and intellectual culture is established and maintained by the women. It appears, too, that, as the men admire those intellectual functions which they have no time for, so the women take peculiar pride in the splendid material achievements of their husbands and brothers, and seek to rival these in the field so wholly committed to their charge—to do as striking things in society and literature as the men are doing in bridge-building, in sky-scraping architecture, in gigantic business combinations.

This was not the case thirty years ago on the Pacific Coast, though it is so to-day. There and then it was from men that we heard the note of an original departure both in literature and art, and we had the reward of our listening. How distinct was the

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local color and flavor of the Pacific literature of that period! Now the conditions are much the same as in the Middle West, save that there is on the part of the predominant women greater tension of sensibility and mental activity.

What is now in evidence in this Western field is an immense and eager audience—eager for some things, and as firm in its protest against other things. What is its attitude? This, surely, is an interesting inquiry. The audience is the determining factor in the making of a literature; its demands are imperative. The West has been postulant from the beginning, and its present intellectual requirements have an importance in the shaping of our literature equal to that of its earlier economical demands in shaping the internal policy of our government.

What is the kind of literature that the West wants, and against what does this great audience forever utter its protest? The inquiry is the more pertinent because our new writers are called upon to choose between old and new methods of appeal. The question can never be whether the writer should abandon established standards of literary taste. Such a question is not pertinent to our inquiry. No cultivated American audience, East, South, or West, advocates, much less demands, a lower literary art. Nor is the new writer's choice one between listening to the voice of England's Poet Laureate, Alfred Austin, on the one hand, calling him back to very old and formal ways—over a century old—and, on the other, to the voice of Gertrude Atherton in her recent protest against what she calls a bourgeois literature.

Alfred Austin does not fairly represent the cause of fidelity to the continuity of culture; else he would not have with so easy agility, involving an implication of contempt, overleaped the entire and mightily vital Victorian era, to find the worthiest examples both of good writing and of an intellectual audience. Nor does Mrs. Atherton in any fair sense voice the demand made by intelligent Western readers, or their protest. She does not attempt to do this; she speaks only for herself and for those who agree with her as to what our literature should and should not be. She rests with a good conscience, since in her last novel, "The Rulers of Kings," she has done her part, furnishing a splendid example of the kind of fiction she favors, and the success of her book sets upon it the stamp of approval of a large and respectable class of readers. We can easily understand that the women of

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Chicago, St. Louis and San Francisco see in this novel a realization of their fond expectation in one respect at least—in that it is a production in literature as striking and wonderful as the most magnificent monument of modern masculine enterprise. Yet it can hardly be said to adequately and exactly respond to the expectations of that Western culture which has been developing during the last two generations—expectations so just and reasonable as to be worthy not only of the respect but of the careful consideration of all lovers of good literature.

Those of us who, during the period mentioned, have given close attention to the course of books, with reference to their appreciation in different sections of the country, remember that any literary work of exceptional value, whether as a manifestation of genius or as a novel disclosure of spiritual truth, whatever its reception elsewhere, has always been sure of a hearty response from beyond the Rockies, where was the nucleus of the early growth of culture in the West. The people who migrated from New England carried with them to their new homes their intellectual tastes and habits, building churches and schools and colleges, and establishing newspapers; and while the South cherished local independence almost to the point of exclusiveness, owing to its peculiar institution, the West long cherished a feeling of dependence, beseeching means of easy communication with Eastern centres, that it might not be cut off from the currents of the old-home and the Old-World culture. The demand of this people, adventurous but unwillingly remote, for good literature afforded an eager market for books; and the one periodical that in those early days had a general circulation instinctively adapted itself to meet the far-off need for such educational aliment as schools and libraries could not furnish, and even gave from six to eight pages to a well organized Monthly Record of Current Events, while its fiction—always the best of the time—supplied the wants of the imagination, and its illustrated articles of travel brought the whole world to the mining-camp and the settler's cabin as well as to cultivated homes in comparatively isolated regions.

In the course of time has come the inevitable reaction; new currents of thought and feeling have been set in motion, arising from a new kind of civilization which is not merely a reflection of the old, and whose peculiar traits indeed are more accentuated now that it is in full communication with the world than in its earlier

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isolation. Opposition has been generated by a kind of induction. These peculiar traits are the result really of a slow and unconscious development and are intimate and subjective as distinguished from external peculiarities of tone, manner and speech. They indicate modes of thought and feeling—the psychical attitude. If we were to express this attitude in positive terms, we should speak of it as vital, tense, and intuitively direct—just what we would expect of a culture which has come to follow the lead of feminine inspiration. *Dux femina facti;* and this leadership, it must be admitted, is reinforced by the inspiration of all the great masters in the whole line of human culture. Very much of the energy engaged in this development is exhausted in social activities and for practical ends; it certainly does not as yet produce many eminent authors, and the immediate atmosphere—the overpowering material environment—is not conducive to great authorship, though by reaction the psychical sensibility is deepened, the result of which is an audience of distinguished readers whose attitude toward literature must have a profound influence in shaping and directing it.

We find it easier, therefore, to give an idea of the traits of this femininely conducted, though by no means effeminate, Western culture in somewhat negative terms. Open to all currents of the world's past and present thought and, as we have said, reinforced by them, it reacts upon them as it does upon its own immediate environment. As, in the latter case, the psychical rises to oppose the material, so against all the influences of the world's culture is developed an impatience of the traditional and conventional forms through which these influences offer their values. The values are appreciated but the forms are repudiated—especially such old forms as seem the cerements rather than the fresh and natural investiture of present and living thought.

This, in the main, is the protest, and it is a note more worth heeding than that of the Poet Laureate. It is not a protest against art but against artifice. Of course we are considering the demands made by a cultivated audience, which, while it lays little stress upon what Mrs. Meynell calls "the trick of education," does especially insist upon training, upon a thorough intellectual equipment as essential to authorship. In the West, as everywhere else, there is an outlying audience, clamoring for its own kind of satisfaction and getting it abundantly. The audience I have in

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view, though cultivated, is distinctly bourgeois and proudly calls itself middle-class; but it is the kind of middle-class which is produced by democracy in conditions which have freed it from the trammels of tradition and the masks of hypocrisy; it is non-conformist, not whiningly or fanatically, but instinctively, by an almost unconsciously developed attitude — an earnest psychical attitude which more intently regards the theme than any form of premeditated art in which the theme is expressed.

The feminization of culture is not exclusively a peculiarity of the West, or even of America; it is a characteristic of our period, of the stage which we have reached in our civilization. Democracy, too, has done its work in the East as well as in the West, though it has not destroyed so much wheat along with the tares. The fact that the leadership of Western culture is so exclusively feminine must in great measure account for its comparative sterility. Where this leadership is to a greater extent shared by both sexes and there is a considerable class of men not so absorbed in strenuous enterprise but that it has time to devote to art and literature, independently of social and practical considerations, there is naturally more fruitfulness in the higher field of creative work.

Some characteristic Western traits of an earlier period have disappeared. In the present situation there is no chance for the development of humor or for the existence of the mood and temperament from which humor spontaneously flows. How much might as well as mirth—all the masterly traits, indeed, of the creative spirit—must in the nature of things vanish from a realm of culture so exclusively dominated by women! Equally true it is that, by just as natural limitations, many of the traits which we most highly prize as indispensable in our modern world—not merely of daintiness and grace but of spiritual strength—would be wanting under exclusive masculine domination. Miss Austen inaugurated a new era when she entered the field as a writer of English fiction.

But there is no sterility like that of a feminized culture, unruffled by the masculine spirit, vexed to its depths only by its own feverish unrest. There is in it no sense of the morning, of the springtime or of any tokens of renascence. Mrs. Peattie confesses to this lack when she says: "If candor and splendor and truth are to come into American literature, they must come by way of immigrants from the nations of unabashed sentiment,

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who, singing songs in this land, sing with their faces turned to the sun,—not toward a group of carping matrons sitting in conclave on all honest and free-spoken words."

But is the estate of American literature really so low that even a Western writer should indulge in this far-reaching orientation, looking to the effete Old-World for its rejuvenescence?

I could not so effectively enter seriously upon the consideration of the theme indicated in the caption of this article as after repeating this cry from the wilderness, having first led up to it and given a significance to its location by what I have had to say about what has long been and must continue to be the largest constituency of American books and periodicals, about the importance of its demands in shaping the course of our literature, about the value of its protest, and about its peculiar culture—its advantages and its limitations.

But first I must let Mrs. Peattie's complaint conclude itself, since it furnishes her explanation of what is called "the deterioration of our literature." "The matrons," she says, "have killed the New England literature. They have edited the magazines, ruled the book-publishers, and broken the hearts of the poets. They will have an awful reckoning some day . . . when they shall stand and tremble before the Truth, and find all their proprieties an insufficient barrier!"

Well, it would seem that the day of judgment has already come; for magazine editors, indeed, it has been a year of judgment. For Mrs. Peattie only repeats what Mrs. Atherton has said before and what the casual correspondents of newspapers and even newspaper editors have without end reiterated. If Mrs. Peattie really meant to call magazine editors matrons—that might seem original, and perhaps to some of the group unpleasant, though, for one, I don't mind it; there is a kind of dignity in the title. But the context forbids this idea of a personal insinuation. She really refers to a very respectable class of women for whom I shall interpose no defence—they need none. If they have really done what Mrs. Peattie says they have done, their work seems to have been pretty effective, and I should leave them to their dreadful arraignment. In fact, however, they have done none of the things attributed to them. They have always been a very harmless, inoffensive kind of women, too busy with other things to edit magazines or to act as literary advisers to publishers. At least, in an experience of

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more than forty years in association with a publishing-house, I have never known of any meddling on their part with the business, except in rare cases after the fact.

I have always understood that the publishers who issued "Jane Eyre" and "Adam Bede" did so without any previous consultation with matrons or any thought of them, leaving them to talk it over afterwards with the same fearless freedom. I never knew a publisher to reject a novel that was on its literary and dramatic merits worth publishing, except when it was indecent or was likely to have an actually immoral influence—the kind of thing which would have been as unpleasant reading to himself as to any reader, even a matron. "Trilby" was published not only as a book but as a magazine serial. It was not immoral, but it was unmoral—as unmoral as childhood is. Two or three matrons wrote protesting letters, but most of the few complaints made came from men. Thomas Hardy's "Tess of the D'Urbervilles" was published serially in "Harper's Bazar," and his "Jude the Obscure" (under another title) in "Harper's Magazine." If publishers of books and magazines err in this matter, it is likely to be on the side of daring, not from adventurous intention but in unconscious innocence. They are not afraid to confront Truth—even with a capital T.

Indeed, it is this very Truth, with all the candor and splendor that attend it and all its inherent majesty, that the best literature of to-day in books and magazines confronts without tremor. This is as true of our literature as of our science. It is a direct and intimate attitude, and we frankly credit the West with having helped us to it. But it is the trait of our time, as well in the East as in the West, however we may have come by it. It indicates a distinct advance in our culture, which in literature brings us ever more and more face to face with the essential truths of life, just as in science it insists upon the closest scrutiny of physical phenomena. The supreme interest of the greatest fiction of our time is in its psychical interpretations and disclosures. This interest excludes no really vital theme, but only that false and shallow and even meretricious masquerade of human passions and sentiments which vitiated the fiction of a former age, and which no cultivated reader now tolerates. Even Zola is pathologically true, and has his proper place in the respect of readers who seek that kind of truth. In English and American fiction the writers

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who have developed the psychical method—among whom Henry James stands both as the type and as first in the exemplification of the type—have kept within the limits of a normal exposition. The good and evil are inseparably mingled in our human life—our chief wonder being, as Mrs. Deland has said, the badness of people who are called good and the goodness of those who are called bad—so that the shadows have their place in the brightest picture, and they are not to be evaded by any shuffling. We willingly follow where the path inevitably leads—to see life as it is.

I do not say that everything which could be published with propriety in a book could fitly be published in a magazine. The purchaser chooses his book; the magazine goes to an audience to which it is committed by a pledge, in part explicit, but for the most part a matter of implicit understanding. But the limitation does not arise from an embarrassing moral constraint. That is scarcely felt; the editor is not consciously aware of it; his resistance is against weak, unworthy stuff. There are doubtless authors who revel in brutalities, who enjoy an infernal habitation not for its purgatorial fires but for its sulphurous airs, and who complain because they may not make their descents before a polite audience; but these things do not come within the scope of the demand of any species of human culture.

Every magazine in the course of its development establishes an expectation as to the field it will occupy and the kind of themes it will treat. Hence arises its principal limitation. Fifty years ago, a popular magazine intended for general circulation must have been educational in a sense that it need not be to-day. For a long time it must have treated themes now wholly relegated to special periodicals. One thing it never could have excluded—that is, the best current literature.

It is fortunate in the interests of a general culture and of literature especially that a great magazine to-day may have as its distinguishing limitation the exclusion of specialties, retaining only within its scope such scientific, historical and descriptive articles as are novel disclosures in their several fields. It may even avoid all timely or occasional topics, so adequately treated by the daily and weekly press, thus devoting nearly its entire space to what is known as the literature of power. The cultivated reader is so greatly the gainer by this that he will not complain, since whatever is omitted is easily accessible elsewhere, while he is not sure

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of having the best current literature, or of having so much of it, in any other way.

The contributor sometimes complains of the exclusion of some things in favor of others where the editor cannot say, "these lie outside the scope of our magazine." There is a law of selection by comparison. Out of a score of good things perhaps but one is chosen, the one considered the best in the editor's judgment, and yet the magazine is filled from month to month with these chosen contributions. Had the others been accepted also, they would never see the light except as excluding better things. It may be that among those rejected some one thing is ideally beautiful—a prose-poem, perhaps, which would be a delightful satisfaction to a few readers, to whom either by itself or together with other things having the same rare quality it should come in the shape of a book, to be read at leisure, and not, as in a magazine, mingled with elements out of harmony with it, not pitched to the same far-off note. This may be the case of a poem, an essay, or a story. This is simply saying that for magazine use the near, and still more the intimate, note is preferred. Of two poems having equal poetic merit—one concerning some object in nature, a bird or a flower, and the other a direct appeal of a human theme to human sensibility—the latter would be chosen. Yet a creation of the highest order, like Shelley's "Ode to the Skylark," would be choice-compelling. It is true even of books that the large polite audience—that upon whose patronage our best magazines depend —demands the intimate human appeal, and books which do not have it reach only a select class of readers.

In our first-class magazines Nature sketches find a place, in due proportion, and in greater variety than ever before. The charge against these magazines, that they have given up their space mainly to fiction and fail to meet the wants of readers in other directions, is made perhaps without due examination. New disclosures of physical phenomena; luminous interpretations of history; revisions of old and mistaken views based upon freshly discovered material; the most recent revelations of archæological exploration; the result of current sociological experimentation; studies of tendencies characteristic of the civilization of to-day and of imperfectly understood conditions of civilization in earlier times; studies also which are the result of travel and observation among peoples never before heard from and of the re-

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action of a creative imagination upon material which seemed familiar, but which for the first time yields to a new interpretation its inmost secrets—affording a fresh field of wonder; narrations of singular adventure: all this from writers the most authoritative, where first-hand authority is essential, and, as to those themes whose treatment depends for its interest upon genius, by writers acknowledged to be of the first rank, wholly apart from their contributions to magazines. In this summation of features I am not considering a magazine's contents taking a whole year into the view; a single number will contain something of nearly all this varied entertainment. The articles will not be elaborate, as in a Review, but concisely comprehensive, suggestive and illuminative; they are just what cultivated readers want.

There would not be so much fiction given in a magazine were it not true that in novels and short stories the life of this and other times has its most faithful portraiture, so that they stand for many an essay and article.

If I am all along confessing to certain limitations of the magazine, it is not unwillingly. I desire to confess frankly that in literature the book and not the magazine is the supreme thing. In some ways the magazine conveys books to its readers, in serial fiction and in series of short stories and sketches and important articles—books which are among the best of their time. But, outside of fiction, the great books of all time stand by themselves in a world where the magazine is not. The exaltation of this world is in the matter of themes. So far as quality is concerned, the isolation does not exist. Though I have admitted that some things ideally beautiful, but appealing to a few select readers, are excluded from magazines, the exclusion is because of their themes, not because of their excellence. There are magazines and magazines, of course, and a large number of them are addressed to that outlying audience of which I have said that it has no intimate relation to the best culture of our time; and while some of these periodicals like to be, and in many ways are, interesting to very thoughtful readers, they could not depend upon these for their extensive patronage. But the magazine whose constituency is limited to a cultivated audience, one which is constantly increasing with the steady advance of culture, cannot meet the demands of that audience by the adoption of any standard lower than the best. It cannot seek writers whose sole

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aim is popularity or those who have achieved only that. It must have the best current literature obtainable and therefore the greatest writers of the time, and it gets these writers. The greatest novel of the year is being published serially in one magazine of this class. Who are the greatest writers of short stories and poems? It is these whose work is appearing in our magazines from month to month. Their first encouragement came from magazines. Liberal remuneration for their contributions has made it possible for many of them to persevere in literary work, and the work itself is better than that of any former period in the history of periodical literature. But, excellent as it is, this demand of the audience and therefore of the magazines is always for something better.

This is a sufficient answer to those who hold magazine editors responsible for "the deterioration of literature." The complaints made are contradictory, one to another. Some critics, who have given very little attention to the real character of magazine literature, assert that contributors in order to succeed must "write down" to it. The main complaint, in which many writers join, is that they are required to "write up" to it. This complaint has reference even more to themes that are excluded than to requirements as to style, though the one point usually implies the other. It is objected that the magazine editor "wants better bread than can be made of wheat," that he sets himself up as a "ruler of literature," trampling upon every spark of genius and repudiating all that is primal and elemental, and that he is especially shocked by the expression of "unabashed sentiment."

Everything in its place and time commands respect. Crudeness precedes development in all evolution. But it would be unjust to treat the complaint as a plea for crudeness. Much as it sometimes seems like it, it is not meant to be that. If we allow the complainant to state his own case, he would say that instead of favoring retrogression—a reversion to a lower order of development—he stands as the advocate of those reactions which especially characterize the most advanced stages of human civilization. The plant or the animal developed into new varieties by artificial selection, if again left to itself, reverts to its original type, and this might properly be called degeneration. But in human development the progress involves a series of reactions, peculiar to a rational consciousness, which is itself due to the breaking of

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vital currents, and which gains in stability with the increased complexity of the brokenness. All nature has this divided living, and the division is multiplication; but in man it has a peculiar significance because it is a psychical process, involving reflection which gives him the choosing will, so that in his progress he does not always go straight on in inevitable courses, but turns upon himself at will and, in spiral fashion, goes forward half of the time by going backward. Thus the call for the primal and elemental is forever recurrent, in each downward course of the spiral ascent.

This is all true and strictly philosophical. Man goes back upon himself in a way that Nature does not—except at vast intervals when she also declares, "I care for nothing, all shall go." This proclamation man—the most tropic of all beings—makes often in quick reactions and revolutions. His spirit builds for itself a complex edifice full of life and light in which for a time it rejoices; then it cherishes it for itself, and as the surfaces harden it delights in giving them the polish they are ready to take; it refines all outward means of expression, revelling in forms of exquisite grace and measure, and multiplying the conceits and caprices of its architecture. Then the windows grow dull; there is death at the extremities where life has exhausted itself in accomplishments that now turn to vanities; the spirit, burdened by what seemed its weight of glory, is lulled to sleep by its muffled music. This is the course of every age, and at every fresh awakening of the human spirit the mortal coil of the formal structure is shuffled off, and in the rude light of the new morning, as in "the freshness of the early world," men are with the gods again, who are so poor that their gifts are only of raw material. What wonder that, when refinements become glosses and all our vesture a masquerade, we long for that primal poverty!

But the plea for the elemental in literature does not seem quite justified, since we already have had so much of it, the literary pendulum having so long swung that way. More than a century ago the reaction began against the perruque and pirouette in literary pantomime and all the artificialities of Queen Anne's time; it has been going on ever since, and it has gone so far, that, by an opposite reaction, many look with a kind of envy to the formal graces of that remote period which have for them the fascination of the eighteenth-century minuet.

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We in America have had our Walt Whitman, and if there is any variety of "unabashed sentiment" with which the fiction of the last twenty years has not made us acquainted, we are willing to forego further knowledge of it.

In good and bad literature—in that which appeals to the cultivated and that which panders to a lower taste—this reaction has done its best and worst for us. I do not mean to say that it has run its course, and that it has no new glories to disclose. Our attitude toward the mightiest realities of life, the most elemental truths, is more direct and intimate than ever before; and it is so in magazines as well as in books. The magazine editor has cherished rather than resisted it, and he expects of it, if nothing better than it has already yielded, yet a new revelation of its possibilities. It is true that he favors the most artistic—that is, the most developed—expression of intimate truths, for the characteristic trait of a period is sure not only to determine the writer's theme but to shape his style. Elemental truths may be conveyed more effectively in the exquisite art of Meredith, James, Hardy, Howells, Hewlett, and Mrs. Humphry Ward, than in the uncouth forms which, because of their crudeness, may seem to some especially suited to their expression.

Nevertheless, the editors of our best magazines do not reject the contributions of the less developed writer who promises great things to come—great in rare art as well as in rare insight. Those writers now proclaimed the greatest were in their lesser day diligently fostered by these magazines.

The most unjust and, even on the part of those who ought to know better, the most prevalent complaint is that magazine editors suppress individuality, either by its entire exclusion or by its corruption through the imposed obligation to accomodate itself to editorial requirements. On the contrary, it is individuality that the wise editor most eagerly looks for and most sedulously cultivates. Apart from the wholly worthless stuff offered, more contributions are rejected because their writers have made a point of accommodation than for any other reason. It is only as a writer expresses himself, utters his own note, that he has any value. He may see that work in a field which he likes is hospitably entertained by editors and be very properly encouraged to write in the line of his own genius, but if he does over again what has already been done or something nearly resembling it, his contri-

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bution is not wanted. Most useless is his offering when he laboriously cultivates a style or selects a theme which seems to him, or which he has been led to believe, especially suited to magazines. The most obviously "magazinish" thing is the most unmagazinable. Any attempt toward accommodation injures the contributor's chance of success.

There are limitations which the contributor does well to regard, but they are negative. Magazines intended for general circulation must of course exclude politics and theology. A magazine of this class must avoid the article too general in its treatment or too elaborate, also the article too special or too technical, assuming an audience devoted to a particular field; that is, it must not be distinctively an art, a historical, or even a literary magazine. These magazines differ, one from another, in their limitations. Some favor and some exclude the timely topic. But all must have variety, and this necessity imposes a limitation as to the length of individual contributions, though each of these, whether an article or a story, must have a scope adequate to the satisfaction of thoughtful readers, even at the sacrifice of variety.

As to quality, however, there is no limitation which excludes the highest excellence. As I have said, the book is the supreme thing; but not only does the magazine avail of this supreme value in its serial fiction, but in all its varied contents it demands, as to quality, the excellence which gives the best book its supremacy, and which so many books lack. A single number of a first-class magazine, though it fully serves the purpose for which it was created, and in its scope and quality gives satisfaction, may seem to the critic, though not a miscellany, still, at the best, a fragmentary collection; but taking the numbers, *seriatim*, as the reader takes them, for a year, for a generation, they furnish a unique illustration of the progress of literature and, if illustrated, of art—a progress which the magazine has stimulated as well as exemplified.

The intimate relation of the periodical publications of a country to its literature has existed for more than two centuries. The earliest periodicals were guides to literature, and were almost technically bibliographical, intended of course for a select audience. The coffee-house periodical of the eighteenth century, of which "The Spectator," "The Tatler" and "The Rambler" were

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characteristic types, was addressed to the "town" and consisted of graceful essays on literary and social topics, contributed by the "wits of the town," like Addison, Steele and Johnson; and these contributions are a part of English classical literature. Later, "The Gentleman's Magazine"—the first to seek a general audience—and "Blackwood's," engaged the most brilliant as well as the most learned writers of the day. The monthly magazines which followed these in rapid succession—"Temple Bar," "The Cornhill," "Colburn's," "Bentley's Miscellany," and the rest, maintained a literary reputation equal to that of the best current literature. So it has been in America. Of all that is important in our literature the span is so short as not to transcend the immediate observation of men now living, but from the first, and in the whole course of its development, the magazine has been eminently participant of such glory as it has shown. Poe wrote first for magazines his best stories, his best poems, his best literary criticism; and ever since his time, with rare exceptions, our great writers, both before and after the establishment of their reputations, have been inseparably associated with our periodical literature and have received from it their principal emolument.

The catholicity of magazines and their hospitality to young writers have done more than all other influences to build up our literature.

Always we revert to the audience, which is the determining factor in all literature. Whatever that is most creditable may be said of our best magazines reflects credit upon the culture of that audience, whose demands are not less exacting than its response is quick and generous. The whole country makes up this audience of to-day, and whatever the diverse demands of different sections, these are equally worthy of respect and represent values which will be more evident for what they really are when distinct currents shall have fully reacted upon each other and blended into that harmony which shall characterize the American audience of the future.

HENRY MILLS ALDEN.

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SECTIONAL MISUNDERSTANDINGS.

BY ROBERT BINGHAM.

I.

It is obvious to those who have eyes to see that a better understanding between the sections of our common country is in progress, and it may hasten that progress to look some of the causes of this misunderstanding squarely in the face, not in a spirit of crimination or recrimination, but from an historical and philosophic rather than from a sectional point of view.

An armed conflict between the reserved rights of the thirteen independent republics acknowledged by Great Britain in 1783, and the rights, powers and necessities of the National Government which these independent republics formed in 1789, was inevitable from the first. This conflict culminated in 1860. The people of the South, deeming their constitutional and reserved rights of local self-government invaded, appealed to the sword and lost. Having appealed to the sword, they accepted the decision of the sword in good faith, and no part of the Union is more loyal to the flag than the South, or more ready to take up arms in its defence. All are agreed that slavery had lasted as long, probably, as it was beneficial to the black man, and as long as the white man could stand it without losing strength; that the white man was emancipated rather than the black man; and that the New South is already greater, richer and more powerful than the Old South could ever have been.

Whatever the right of secession may have been theoretically, the whole South sees as one man that it was a great mistake to fight for a national unity on the basis of disunity at will afterwards. If the secession theory had prevailed, the Anglo-Saxon man in America must have been divided into as many petty and warring republics as there were local and conflicting interests.

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The monarchical form of government, which, as a matter of history, was the thing most feared and most carefully provided against by the founders of the Republic, might and probably would have taken root in North America.

II.

Such at the beginning of the twentieth century is the practically unanimous opinion of the people of the South about secession and slavery, the honest differences of opinion about which in 1860 brought on the Civil War and its sequences. But let us look calmly and dispassionately at the conditions which prevailed at the end of the eighteenth century and during the first half of the nineteenth, in order to get the true historical and philosophic perspective as to the differences of opinion which crystallized so sharply in 1860.

When the Union was formed, there was no difference of opinion about secession or slavery. Every one of the original thirteen States was a slave State, and the Constitution put a premium on property in slaves by allowing a slaveholder five-fifths of a vote for himself and three-fifths of a vote for each of his adult slaves, not recognizing the seven hundred thousand slaves then in the Union, according to the census of 1790, as men at all, whose right to "life, liberty and the pursuit of happiness" Anglo-Saxon men were expected to respect at all. Nor were the remnant of the red men, numbering one hundred and fifty thousand, perhaps, regarded as men with any rights to life, liberty or the pursuit of happiness, or even to the soil which had belonged to them and to their ancestors for unnumbered generations. Thus the Declaration of the Independence of three million Anglo-Saxon men carried beneath it the unquestioned right to enslave seven hundred thousand black men, and to dispossess and slay the remnant of the red man. But by degrees the people of the North found slavery unsuitable to their climate and conditions; and they sold their slaves to those whose climate and conditions were more favorable. Thus slavery gravitated out of the North into the South, and became sectional.

Before 1830, or thereabout, there seems to have been but little awakening of conscience on the question of slavery among the people of New England. But before 1800 there had been a widespread repugnance in the South to the slave-trade; and, while New

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England was actively engaged in it, the Legislature of Virginia was actively protesting against it.

In 1769, the Legislature of Virginia prohibited the further importation of slaves;* and, in the Federal Convention of 1787, New England voted with South Carolina and Georgia for the prolongation of the slave-trade for twenty years, that is, to 1807, against the sturdy opposition of Virginia.†

In his "Genius of Universal Emancipation," Lundy says that there were in 1827 one hundred and thirty anti-slavery societies in the United States, with six thousand six hundred and twenty-five members. Of these, one hundred and six, with fifty-one hundred and fifty members, *were in the South.* According to Birney's "Life of Birney," about 2000 slaves were freed in North Carolina in 1824, 1825 and 1826. There was a colony of some three hundred free negroes within ten miles of where I was born. They had the right of suffrage till 1835, and, under the "Grandfather Clause" of our suffrage act of 1900, the descendants of the free negroes who voted before 1835 vote by inheritance now, just as the descendants of white voters before 1865 vote by inheritance, which fact makes the "Grandfather Clause" of our suffrage amendment impregnable.

But the most notable example of anti-slavery feeling in the South in those days was the election of a Legislature in Virginia in 1831 or 1832 after an able anti-slavery campaign. In this Legislature, the members "tied" on a bill for the gradual emancipation of all the slaves in Virginia, and the chairman, though he favored the bill, gave the casting vote against it, on the ground that a measure of such importance should not be undertaken unless a clear majority favored it. But about this time the abolition movement, inaugurated by Wm. Lloyd Garrison in Boston (the first fruits of which were the murder of sixty-one women and children in Southampton, Virginia, by Nat Turner and his associates), entirely changed the attitude of the South towards slavery, and of the one hundred and six anti-slavery societies which existed in the South in 1827, every one had disappeared by 1839. But for these unhappy events, a gradual emancipation policy, inaugurated by Southern people themselves, would probably have solved our black race problem. It thus appears that the people of the

* John Fiske: "The Critical Period of American History," page 72.
† *Ibid*, page 72.

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South were protesting against the slave-trade, while the people of New England were actively engaged in it, and it is equally true that Garrison was, more than once, in imminent danger of his life at the hands of a Boston mob for his abolition sentiment about the time that Virginia was working out a scheme for gradual emancipation.

III.

When the Union was formed, there was no difference of opinion about the abstract right of secession.

The thirteen independent republics went into the Union voluntarily, as an experiment. Virginia claimed the right, *ipsissimis verbis,* to come out at will, and by tacit agreement the abstract right of secession was accorded to the other States. The right of withdrawal from the Union had been formally claimed seven times before 1860, once by South Carolina and six times in New England. In 1803, it was feared by New England that the Louisiana purchase would diminish the influence of their section of the Union; and Senator Pickering, of Massachusetts, strongly advocated the formation of a "Northern Confederacy." In 1807, Jefferson caused the repeal of the Embargo Act, because some of the New England States said that they would withdraw from the Union if the act was not repealed. In 1811, Josiah Quincy, of Massachusetts, protested against the admission of Louisiana, declaring that "the passage of the bill to admit Louisiana would be a dissolution of the Union," and that "it would be the right of all and the duty of some to prepare for a separation, peaceably, if they could, forcibly, if they must." In 1814, the people of New England met in convention at Hartford and withdrew from the Union, on account of their dissatisfaction with the management of the war with England and with the admission of Louisiana. But the war with Old England ended, and the war of New England against the other States was not begun. In 1844, the Legislature of Massachusetts passed an ordinance of secession, declaring that "the annexation of Texas tended to drive the States into a dissolution of the Union," and that "Massachusetts was determined to submit her undelegated powers to no body of men on earth;" and again, in 1848, Massachusetts nullified the Constitution by refusing to send a single soldier to uphold the flag in the war with Mexico. To these acts or threats of disunion by the people of New England before 1860, we may add that William

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Lloyd Garrison's "Liberator," established in 1831 as the organ of the unconditional abolitionists, constantly took the ground that the Constitution was a "league with death and a covenant with hell," because it recognized the right to hold slaves; and the abolition of slavery was urged, although Mr. Garrison held that "slavery could be abolished only by the dissolution of the Union."

Thus, the people of New England asserted the right of secession in six special cases, before 1860. It was asserted constantly by the extreme abolitionists from 1831 to 1860. And, while the Republican Party suppressed secession in the United States of North America by armed intervention in 1861, the same Republican Party supported secession in one of the United States of South America by armed intervention in 1903.

IV.

Nor is it surprising that a belief in secession, as one of the reserved rights of the States, should have prevailed in the North as well as in the South before 1860, when we consider that the right of secession was distinctly taught at West Point up to about 1850. I have before me "Rawle on the Constitution," the text-book in which Robert E. Lee and Jefferson Davis studied the Constitution at the Government's Military Academy. In this book, the following language occurs:

"If a faction should attempt to subvert the government of a State for the purpose of destroying its republican form, the national power of the Union could be called forth to subdue it. Yet it is not to be understood that its interposition would be justifiable if a State should determine to retire from the Union" (p. 289). "It depends on the State itself whether it will continue a member of the Union. To deny this right would be inconsistent with the principle on which all our political systems are founded, which is, that the people have in all cases the right to determine how they shall be governed" (p. 289). "The States may then wholly withdraw from the Union" (p. 290). "If a majority of the people of a State deliberately and peaceably resolve to relinquish the republican form of government, they cease to be members of the Union" (p. 292). "The secession of a State from the Union depends on the will of the people of such State" (p. 295). "In any manner by which secession is to take place, nothing is more certain than that the act should be deliberate, clear and unequivocal" (p. 296). "The people of a State may have reason to complain in respect to acts of the general government; they may, in such cases, invest some of their own offices with the power of negotiation, and may declare an absolute

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secession in case of failure. The secession in such cases must be distinctly and peremptorily declared to take place, and in such case, as the case of unconditional secession, the previous ligament with the Union would be legitimately and fairly destroyed" p. 296). "It was foreseen that there would be a natural tendency to increase the number of the States. It was also known that a State might withdraw itself" (p. 297). "To withdraw from the Union is a solemn, serious act." "Whenever it may appear expedient to the people of a State to withdraw from the Union, it must be manifested in a direct and unequivocal manner" (p. 298).

And the instruction given at West Point, from 1825 to 1850, as to the nature of personal allegiance, from "Rawle on the Constitution," is specially significant:

"This right (of secession) must be considered an ingredient in the original composition of the general government, and the doctrine heretofore presented in regard to the indefeasible nature of personal allegiance is so far qualified in respect to allegiance to the United States. It was observed that the reciprocal relations of protection and allegiance might cease in certain events, and it was further observed that allegiance would necessarily cease in case of the dissolution of the society (the Union, in that case) to which it was due" (pp. 289-290).

It thus appears that Robert E. Lee was taught by the United States Government at West Point that the Union was dissoluble, and that, if it should be dissolved, allegiance to the Union ceased, reverting to the States by which the Union had been created.

It is an historic fact that Jefferson Davis was not tried for treason, because, under the numerous States' rights decisions of Chief-Justice Chase, before he became Chief Justice, and under the States' rights instruction received at West Point from "Rawle on the Constitution," which was to be put in evidence if the trial had occurred, he could not have been convicted.

It would hasten the progress of harmony between the sections, if the people of the North would realize that the Confederates were neither rebels nor traitors, and that there were good, solid, historical and constitutional grounds for their acting as a matter of duty in 1861 on the belief that their patriotism should centre around the States rather than around the Union.

V.

It would hasten a better understanding between the sections if the people of the North would realize that the black race problem

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is not our only race problem. Let us look calmly at the way in which the people of the North have dealt with their local race problems. They have practically exterminated the red man; and the remnant of the Indians who have not been slain have been set off in reservations, with entire disregard of their local and territorial rights; and even these are being opened to white men.

The yellow man, though inoffensive and industrious, has been slain by mobs on the Pacific Coast, and has been excluded from the soil of the United States by act of Congress at the dictation of white labor-unions of Northern people.

The territory of the brown man in the Hawaiian Islands has been annexed in the financial and political interests of white men, and an educational test for suffrage has been introduced, disfranchising many of the brown men in their own island, and all the yellow men (Chinese and Japanese), some thirty thousand in number, and about five thousand white Portuguese.

Furthermore, it is believed that thousands of the brown men in the Philippines have perished under methods of "benevolent assimilation" practised there. With such sins against the red man, the yellow man and the brown man to be answered for wholly or chiefly by the people of the North, does it not seem strange for the people of the North to find so much fault with the Southern treatment of the black man, when, as a matter of fact, he has not only been conserved, but he has made such rapid progress from savagery, and in some cases at least from cannibalism, in about two centuries that the people of the North deemed him worthy to share in the citizenship of the Great Republic?

VI.

An historic study of the ballot by our Northern fellow citizens would tend to hasten the progress of a better understanding.

By the Constitution of the United States, and of every State in the Union, the ballot is not a right, but a privilege to be extended by those who have it to those they deem worthy of it.

The people of the North, not deeming the Indian worthy of the ballot, exclude all red men from it. Not deeming Chinese worthy of the ballot, they exclude all yellow men, not only from the ballot, but from the country.

Not deeming the brown man worthy of manhood suffrage, in 1900 a Republican Congress passed a bill, which was signed by a Republican President, excluding a large number of brown men

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from the ballot in their own Island of Hawaii, and turning the island over to the white men. Not deeming all white men worthy of manhood suffrage, the people of the North have excluded illiterate white men from the ballot. In some of the Northern States, literacy and a certain amount of property are made the condition of manhood suffrage. We of the South think that this limited suffrage, as enforced by the North, is just and right, and, if it is necessary in the North with comparatively so few illiterates, it is a hundredfold more necessary in the South. And yet the people of the North have discriminated in favor of all the black men in the South, though racially inferior in achievement in all the past to the other colored races who remain disfranchised.

By degrees the Anglo-Saxon people in the South who fought in the Civil War have regained by legislation what they lost against overwhelming odds "in the deadly imminent breach," and have confined the ballot to those whom they deem worthy of it, though less rigidly than it is confined in New England.

Becoming convinced that the legislation of the reconstruction period was hasty, ill-advised and partisan, Congress has repealed some of it; the Supreme Court has annulled some of it, as being unconstitutional; and the consensus of opinion at the North seems to be to relegate the whole matter of suffrage in the Southern, as in the Northern, States to the intelligent people of each State. It would hasten the removal of the misunderstandings between the sections, if the suffrage amendment should share the fate of most of the other reconstruction legislation.

VII.

It would help to harmonize the sections, if Northern people would reflect that what they call "race prejudice" is not peculiar to the South. We discriminate against the negro politically. We must preserve our political integrity. We discriminate against him socially. We must preserve our own race integrity. In the whole North about one-sixtieth of the population is of African blood. In the whole South nearly one-half of the population is of African blood. In some of the Southern States, three-fifths are negroes, and in localities in all or nearly all of the Southern States nine-tenths of the people are negroes. A weak solution and a saturated solution of a drug must be handled differently. But while we must exercise political control over the African

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man and must reject social relations with him, economically the negro is not discriminated against anywhere in the South, as he is everywhere in the North. If a contractor anywhere in the North had twenty white carpenters and twenty white bricklayers employed, and were to add five negro carpenters and five negro bricklayers to his force, his white workmen would stop working at once, nor would they allow the black men to do the work. Some years ago, I employed a contractor to do some building for me and he put about twenty-five white men and about twenty-five negroes on the work. White and black carpenters, bricklayers, painters and common laborers worked together in the greatest harmony at the same wages for the same sort of work. This could not have occurred in New England. Negroes got higher wages than white men for the same work if they were better workmen. This could not have occurred in Illinois or Ohio. And white men and black men, with wages graded by skill and not by race, worked in perfect harmony under my contractor's negro foreman or "boss carpenter." This could not have occurred in any Northern State. In the South, white men and negroes may not eat together; but not eating with a white man does not affect a black man's supply of food or his digestion. In the North white men and negroes may eat together in many public places, at least, and some negroes may eat with some white people in private. But negroes and white men may not work together in the North; and this economic discrimination against the negro strikes, not at his political relations, not at his social relations, but at his chance to get food and clothing, except in such occupations as white men do not want. Our discrimination against the negro politically and socially is race *instinct,* which is minimized in the North on account of the very weak "solution," so to speak, of negroes in the North, and is maximized in the South because of our "saturated solution" of negroes. But the economic prejudice against the negro in the North is race *prejudice,* and it strikes not only at his means of living, but at his life itself. Of the negro miners who went from Alabama to Illinois during Governor Tanner's administration, quite a number were slain, and the rest were driven from the State; and the Governor of President Lincoln's own State, and a member of President Lincoln's own political party, said that, if any more negro laborers started to Illinois, he would meet them on the border with Gatling guns. And it is

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significant that not one of the murderers of these innocent and industrious laborers has ever been brought to justice.

VIII.

Again, a great deal is said about the people of the South lynching negroes. It would help to remove the bitterness against the South among Northern people on this score if they would realize two facts about themselves in the matter of mob violence. The first is that the statistics show that more negroes have been put to death by mobs in the North, in proportion to the negro population, than in the South; and, though public sentiment in the North seems to be very strong in favor of punishing as murderers those who engage in lynching in the South, yet grand juries in the North, with public sentiment ostensibly overwhelmingly in their favor, very rarely, if ever, find true bills against such murderers. The same is true of those who slew so many of the Chinese on the Pacific Coast and drove the remainder from the country.

The other thing which our Northern fellow citizens would do well to realize in connection with lynching, is the fact that, when we anticipate the law and put a negro to death for the new negro crime, the violence, which should never have occurred, stops with the criminal. Innocent negroes are never molested. But in the North the violence only begins with the mobbing of the criminal, and it continues by slaying innocent and inoffensive negroes, by destroying their property, and by driving them from their homes and their counties. This violence of race prejudice was exhibited in the anti-negro riots in New York city recently, in the anti-negro riots in Wilmington, Delaware, and in Acron and Urbana, Ohio, President McKinley's own State, in Evansville, Indiana, President Harrison's own State, in Illinois, President Lincoln's own State, and in many other Northern States. If the better element in these communities were as anxious to suppress lynching and punish lynchers at home as they are to suppress lynching and punish lynchers in the South, some of their own law-breakers would have been brought to justice.

IX.

It would help to harmonize the sections if the Northern people would realize how much we did for the industrial education of the negro before 1865, how much we have done for his educa-

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tion in books since 1865. In 1867 the people of the North conferred unrestricted manhood suffrage on all the black men in the Southern States. The blacks in the South composed nearly half of our population, and the injection of such a mass of illiterates into our citizenship was a great menace to the civilization, not only of the South, but of the whole country. But the red men, the yellow men, the illiterate black men and the illiterate white men in the Northern States, composing their disfranchised, aggregated all combined, so unappreciable a proportion of *their* population as to be not the slightest menace to them; and yet they were disfranchised and the negro in the South was enfranchised. Having made the great mistake against this child race of conferring the ballot on the negro with absolutely no training in self-government, they made no appropriation of funds to be used in preparing him for the intelligent use of the ballot. His training in citizenship was left to benevolent enthusiasts in the North and to the impoverished white people in the South. The benevolent enthusiasts seemed to act on the belief that the African man is an Anglo-Saxon in a black skin, and that mere book learning would soon relieve him of his African disabilities. And so, in direct opposition to the methods of General Armstrong at Hampton and of Booker Washington at Tuskegee, they put as much as twenty-five million dollars into showy piles of brick and stone and mortar, in various parts of the South, in "colleges" and "universities," where this infant of civilization might receive higher learning in the humanities, the sciences and theology, no provision being made for giving him the elementary training on which all higher education must be built.

We of the South feel that the motives of the philanthropists were good, but that their methods were defective in the quality of the education offered; and that they were unfortunate in their discrimination against the whites of the South, the two hundred and twenty-five thousand dollars investment made by the Northern Presbyterian Church on the Asheville Plateau for the uplifting of our poor white boys and girls, being the only investment of the kind in the Southern States. This discrimination, educationally, against the whites and in favor of the negro, has tended to make the race feeling of our non-slave-holding class less latent and less quiescent; and unless the best, the most thoughtful and most intelligent people of both sections unite against this rising

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tide of race feeling in the non-slave-holding whites against the blacks, the attitude of the white laborers in the South will become what it has already become in the North towards the negro.

As Northern philanthropists provided only for the higher education of the negro, and as the Government made no provision whatever for him educationally, the Southern people in their poverty undertook the work as best they could. I believe it is safe to say that, at the close of the Civil War, we were the poorest people in the civilized world. We staked everything on the decision of the sword and lost, and we had nothing on which to rebuild our shattered fortunes but the ground we stood on. Nevertheless, we assumed the imperative duty of educating the negro, taxing ourselves to the constitutional limit for public schools, and dividing the proceeds of tax money *pro rata* among our own children and the children of the blacks, who have never up to this day paid more than five per cent. of the taxes, and who used the ballot against us with a steady and persistent hostility, which would not have been tolerated by employers in employees for a single year anywhere else in the world, and least of all in New England. When we reached the constitutional limit of taxation for public schools for whites and blacks alike, we introduced "local option" taxation in almost every county in the South, and divided the increased proceeds of taxation *pro rata* between the children of both races. Bills were introduced into the Legislatures of several States, now controlled by white people, to appropriate to the schools for the negroes only what the taxes on their property produced; but in every case these bills were voted down by overwhelming majorities of white men. In this spirit, the South, in its impoverished condition, has paid One Hundred and Twenty Million Dollars of tax money for the education of negro children, though our own children were crying to us for educational bread, and we could get them little better than a stone. In addition to this, we established normal schools for their teachers, schools for their blind, schools for their mutes and asylums for their insane, all from the proceeds of taxes paid to the extent of from ninety-five per cent. to ninety-eight per cent. by white people; and, in addition, we have established several theological schools for the education of their preachers by private benevolence. In short, we have adopted these neglected wards of the Nation, and have made them the foster-brothers and

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sisters educationally of our own children. And yet, many Northern papers and many Northern people can see nothing but oppression and cruelty in our dealings with the black man since we delivered him over to the Nation in 1865, orderly, fairly industrious, without vices, without disease and without crime, and worthy, in the estimation of the people of the North, to share in the citizenship of the Republic. But, in spite of our vast outlay on him, in proportion to our resources, in the hands of the Nation he has become disorderly, idle, vicious and diseased; and, according to the Census, three times more criminal, hundred for hundred, than the native whites, one and one-half times more criminal than the foreign whites, three times more criminal in the Northeast, where he has not been a slave for a hundred years, and three and a half times more criminal in the Northwest where he was never a slave, than in the South. The most discouraging features of these revelations of the Census are: (1), that his maximum criminality and his minimum illiteracy concur in New England; and (2), according to the Census, that more than seven-tenths of the negro criminals are under thirty years of age. This result of the Nation's dealing with the negro since 1865, as compared with our dealing with him before 1865, must convince reasonable people at the North that, in dealing with the negro, the Nation has made a mistake in some way; and that this mistake must be corrected somehow.

X.

And, lastly, it would help harmonize the sections if all Americans would keep in mind that the war and its unhappy sequences belong to the history of sectional America, and that the peace, power and glory of our future can be attained, and can be maintained, only by National America. Every man in both armies knows that the Americans who met on the field were to each other "the enemy" only in the technical, military sense, but they were never enemies. The thousands and thousands of kindnesses between Confederate and Federal, even on the firing-line when the firing was suspended, on the picket-line and among the dead and dying, show that the men on both sides who were at the front were there from a sense of duty and not because they loved war, or because they did not love each other. And when Lee's thin, ragged skirmish-line stacked their arms for the last time at Appomattox Court-House, the solemnity of a funeral prevailed,

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and I saw tears of sympathy and pity streaming from the eyes of the Federal soldiers who stood in line on each side of us.

When President Johnson and Secretary Stanton, in order to "punish traitors and make treason odious," issued the order to General Grant to arrest all the Confederate officers through the rank of Colonel, that they might be convicted by a drumhead court martial and put to death, General Grant looked into their faces and said: "You will have to whip me and my army before one hair of one head of the men whom we captured, and whom I promised protection to, shall perish." And the spirit of sectional America quailed before the spirit of National America. But in an evil day the politicians arose, who had kept resolutely away from the firing-line; and the reconstruction period followed, a period of depression, of repression, of suppression and of oppression. It has taken the people of the North nearly forty years to get something like the true perspective on this period. But leading men of the North have now begun to discuss it clearly and strongly.

While waiting patiently and hopefully for the spirit of National America, the people of the South did not wait idly. We rebuilt our shattered fortunes as only men of Anglo-Saxon blood can rebuild, and we restored our political supremacy.

We shall do all that we can to continue the education of the African man along the line of his capabilities. We shall restrain his suffrage, but only as New England restrains the suffrage of white men. After 1908, the same qualifications for suffrage shall be applied to his children and to ours; and these qualifications are less rigid than those applied to white men in New England; but, having been dominated by him from 1867 to 1876, we shall not allow his political liberty to degenerate again into political license.

The evil spirit of sectional America is being exorcized as the years of the new century come and go. And our Race Questions, and all other questions which may arise, may be safely committed, by a combined New North, New South, New East, New West, to the New National America, which has become so great and so strong in the present, and which will become still greater and still stronger in the degree in which we all become more and more unitedly animated by the spirit of National Americans.

ROBERT BINGHAM.

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LEGAL SUPERVISION OF THE TRANSPORTATION TAX.

BY BROOKS ADAMS.

PROBABLY no one ever disputed the importance of superior communications; but thoroughfares are costly, and men have differed as to how their cost should be met. In transportation there are three chief items of expense: first, police protection for the traveller; second, construction and maintenance of the way; third, motive power, the vehicle, and the labor for operation. This outlay may be provided for by a tax on articles in transit, or by a levy on the whole community, or by a combination of both methods; but, down to the introduction of steam, the state rather tended to assume the burden, in order to equalize the contribution paid by the individual toward facilitating movement.

The primitive family is nearly self-sufficing; and, when exchanges are few, differences in the price of carriage do not work a drastic discrimination between localities. As circulation quickens, towns grow, industries multiply and specialize, and presently the item of freight becomes a prevailing factor in the success or ruin of individuals and cities.

Hence, tolls have been a fruitful source of revolution, and were one of the chief grievances which agitated the French in 1789. Clearly, where discrimination exists in the transportation tax, there oppression must prevail; for he who pays more than his neighbor to reach his market must, other things being equal, to that extent, be shorn of profit.

Under Louis XVI., the district tributary to Bordeaux was laid waste by exactions at the terminus, and Bordeaux's policy was not the exception but the rule. An urban community in America imports all necessaries, hence a discriminating railway rate affects the whole scale of living.

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Experience has proved competition to be sharp enough without artificial aids, and men somewhat early had their attention drawn to the necessity of protecting the weak against the strong. One effort in this direction was the organization of a police to protect the traveller, instead of leaving him to arm himself, or to buy from those who bore arms. Another experiment was the maintenance of the way by society at large, instead of allowing some soldier to do the road-mending and compensate himself by fees for passage. At any rate, until steam came in, the individual might always provide his own vehicle and motor. With railways, that privilege ceased.

The progression is written upon every page of history. Standing armies cannot exist without industries and commerce, because farming communities, far from markets, have no surplus to spend for the soldier's wages. Hence, simple societies rely upon militia serving for short terms, and such a militia is worthless for siege operations. Therefore, after the fifth century, when exchanges almost ceased in the West, sovereignty, in the Roman sense, also ceased. He who could build a tower was a king, for he could not be coerced; and these tower-builders became the feudal nobles, whose privileges bore an exact ratio to the sum the nation could spend on police. In the tenth century, when industry fell lowest, the nobles culminated, and they charged what they pleased for the use of the ways. When, in the thirteenth century, manufacturing flourished, the nobles lost ground. Under opulent princes, like Saint Louis, a baron was held to his promise like any contractor.

Many processes are recorded. Among others, certain merchants of Berry in 1269, complained to Parliament that they had been robbed within the jurisdiction of the Lord of Vierzon, after payment for passage; and that noble was ordered to restore to the complainants the property which had been taken from them. In practice, however, in spite of supervision, the exaction of tolls by private individuals or corporations proved so unsatisfactory that many nations tried to give relief by constructing national thoroughfares. Colbert established several. The Canal of Languedoc, connecting the ocean with the Mediterranean, was built, by his advice, partly by the Crown and partly by the province. Finished in 1681, it long remained the engineering masterpiece of Europe.

The English neglected applied science until the middle of the

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eighteenth century, and the government, when improved communications became a necessity, were incompetent to act. Consequently, individuals and companies obtained charters from Parliament authorizing them to build canals and turnpikes; but, as the tolls were also provided for in the charters, the interests of the public were supposed to be guaranteed. Nevertheless, the turnpike system was abandoned, while canals have lost importance because of railways.

Thus, when toward 1800 the United States began to expand with vigor, two methods offered for raising funds for thoroughfares. The Government might become proprietor, and pay the cost out of general revenue or by a system of tolls established by law; or the people might farm out to individuals the privilege of collecting the transportation tax for their own benefit, in consideration of providing the way. At the outset, government ownership commended itself. In 1808, Gallatin, as Secretary of the Treasury, recommended a system of communications to be opened between Maine and Georgia and between the Atlantic and the Mississippi. In 1806, Congress made an appropriation for the Cumberland Road; in 1825, John Quincy Adams, in his Annual Message, advocated internal improvements; while, in the same year, New York finished the Erie Canal, which, considering the resources available and the results produced, may, perhaps, deserve to rank as the most remarkable highway ever completed in America. Indeed, its wonderful success directly led to the reversal of what was then the national policy. Stimulated by New York, Pennsylvania plunged into a disastrous speculation.

As managers of private corporations, Americans have succeeded; but, when administering the States or the Nation, they have done less well, and nowhere has this characteristic been more visible than in Pennsylvania. The Pennsylvania Railroad rose to eminence in achieving the task which made the State insolvent. Between 1824 and 1842, the Commonwealth spent above $53,000,000 on thoroughfares which yielded no adequate return. In 1842, it suspended interest on its debt; and, in 1857, it gladly sold the property to the Pennsylvania Railroad for $7,500,000. Pennsylvania's misadventure practically ended experiments at State ownership, and thenceforward individuals assumed the administration of the railways, pretty much free from national supervision. The reason for this apparent apathy toward the public

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interests was twofold. In the first place, when railways were introduced, they were so keenly desired that the people were ready to concede almost anything to obtain them; and, besides, for the United States to interfere with State corporations was a delicate matter fifty years ago. But, in the second place, toward the middle of the last century, men were dominated by certain theories of so-called political economy, among others that of the value of free competition to correct social ills. Applying this theory to railways, the inference was drawn that the average citizen would fare best in regard to transportation if railways were left to fight for existence among themselves.

Now, it seems evident that free competition means the destruction of the unfit and the survival of the strong. Possibly, it may be abstractly good that the feeble should perish, but, if pushed too far, the process may be dangerous. This has become clear to us, but it was not clear to the last generation, and for a time all went well.

Local companies issued stock and built short sections of road; and, as long as the adjacent population elected the directors, managements fostered the interests of those who lived along their lines. As competition worked, these conditions changed; and, as rates were cut at junctions, the companies, following the path of least resistance, transferred the burden of their tax from those who could escape them to those who could not.

A purchaser who can select his vendor can contract, but a purchaser who has no choice is subject to a servitude. For example, the French peasants had no choice as to where they should grind their corn. That they had to grind it at the lord's mill was a servitude. In like manner, a population with access to but one railway is subject to a servitude. It cannot escape the tax imposed upon it, unless it can obtain relief from a court.

The man who lives at the junction of several lines, on the contrary, may choose, his patronage being of value in proportion to the tonnage he offers. He who ships little will obtain small concessions, he who ships much will obtain large. Thus, the opulent shippers at the chief junctions became a favored class in regard to rates, and the junctions themselves became favored towns in proportion to the ferocity of the competition waged at them.

Competition worked similar results among the roads. Initial roads were constrained to control the whole line to the terminal

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which served as their vent, else they might be throttled by an adversary. Thus, the strongest link in the chain absorbed the others, the stock passing from the neighborhood to magnates at terminals. In this way, an absentee ownership was created, and absentee owners always tend to ignore local complaints, as long as revenue remains satisfactory. Territory had also to be defended and feeders protected, and gradually the modern railway system came into being, covering vast areas, employing many thousand men, and wielding an arbitrary power over all the population living between junctions, with only the one outlet to the world.

This intermediate population not only could not escape, but could obtain no redress, while the dwellers at the junction could impose terms. Yet money for dividends had to be raised. As always happens the weak bore the burden.

> "For why? Because the good old rule
> Sufficeth them; the simple plan,
> That they should take who have the power,
> And they should keep who can."

Yet, in spite of taxing their intermediate country "all its traffic would bear," the trunk lines saw their revenues shrinking because of rate cutting at terminals, and they accordingly resorted to pooling.

The pooling contract amounts to an agreement among roads connecting the same cities to divide receipts according to a fixed percentage, and to do the work in common. Under such an arrangement, the inducement to underbid for tonnage is supposed to be eliminated, as each member's share of the pool is established beforehand. But where pooling begins, rebates and preferences should end, and here was the rock on which pooling split. Pooling is hated by magnates who obtain secret preferences which enable them to market their goods at a cost which ruins small concerns. Accordingly, pooling was denounced as a crime against the public who should enjoy free competition. Finally, a sort of commercial anarchy came to prevail, and discontent drove Congress in 1887 to pass an "Act to Regulate Commerce," of which hopes were formed which have not been realized.

The statute, being the resultant of conflicting forces, contained contradictory principles. While to gratify the lesser shippers,

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preferences were forbidden, to pacify the great, pooling was forbidden as well. Hence, competition, while on one side condemned, was on the other enforced. In like manner, the intermediate country sought protection by a clause which made it illegal to charge more for goods carried a lesser than for those carried a greater distance. The railways tried to neutralize this clause by a rider providing that the restriction should be inoperative unless the traffic complained of should be done under "substantially similar circumstances and conditions." Lastly, Congress created a Commission to carry the act into effect, omitting to define precisely its powers. Such a statute was capable of different interpretations. It might be construed as limiting competition, protecting the intermediate country, discouraging preferences, and creating an effective board of arbitration to stand between the public and the corporations; or it might be considered as hardly more than declaratory of existing law, and as giving the Commission nothing by implication. The railways sustained the latter thesis, and convinced the majority of the Supreme Court. In effect, the judiciary threw its weight in favor of unlimited competition, and by so doing, for most practical purposes, annulled the statute. In The Alabama Midland *vs.* The Interstate Com. Com., Mr. Justice Harlan thus summed up the situation:

> "The Commission was established to protect the public against the improper practices of transportation companies engaged in commerce among the several States. It has been left, it is true, with power to make reports, and to issue protests. But it has been shorn, by judicial interpretation, of authority to do anything of an effective character. It is denied many of the powers, which, in my judgment, were intended to be conferred upon it. Besides, the acts of Congress are now so construed as to place communities on the lines of interstate commerce at the mercy of competing railway companies engaged in such commerce."

The facts support this statement of the learned justice, for the first step of the bench was to set aside the long and short haul clause, the next to eviscerate the Commission. A test case soon arose over export rates which settled the fate of the intermediate country.

In April, 1888, the New York Produce Exchange complained that the trunk lines charged one rate on goods consigned from Chicago to New York for domestic use, and a less rate, sometimes

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one-half, for like goods when intended for export. The complainants asked that rates to New York should be equalized, and that discrimination in favor of exports should be suppressed. The New York Central favored the complainants, the Pennsylvania did not stubbornly oppose. The Commission found that the statute covered the case, and ordered the practice to cease. Most Eastern companies complied with this order: but, among others, the Texas and Pacific declined to do so, whereupon the Commission filed a bill in the Circuit Court to compel obedience.

Before the Circuit Court much new evidence was adduced. It was proved, among other things, that it cost 288 cents to transport 100 lbs. of books, carpets, and many such commodities from New Orleans to San Francisco, and only 107 cents to carry a like weight of the same articles, when on land in the same train, from London to San Francisco.

Admitting these facts, the railways contended that the competition of ships and of Canadian routes had so reduced freights to and from the Pacific, that, if they declined to accept the same scale, the business would leave the United States. This competition, they alleged, made the conditions under which transportation went on between foreign countries and Pacific ports dissimilar to the conditions which prevailed between American towns, and therefore they urged that the clause in the statute which forbade charging the greater sum for the shorter distance was inoperative. The Circuit Court and the Circuit Court of Appeals sustained the Commission, but the Supreme Court reversed these judgments. Forthwith, every carrier in the Union considered the long and short haul clause as annulled.

The companies next attacked the power of the Commission to adjust rates, and here, too, they succeeded even beyond expectation.

In Interstate Com. Com. *vs.* Cin., N. O. & Texas Pac.,* the Court held that Congress had not given the Commission power to prescribe rates, either directly or indirectly. In the case of the Alabama Midland, the whole subject was reargued, and the principle of competition carried out logically. The Court there decided that the existence of competition at any point may be considered in the making of domestic rates, and that, where competition creates dissimilarity of conditions, the roads may charge more for the shorter than for longer distance.

* 167 U. S., 479.

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From this judgment Mr. Justice Harlan dissented, prophetically observing that the position taken by the Court might "well be regarded as recognizing the authority of competing railroad companies, . . . when their interests will be subserved thereby, to build up favored centres of population at the expense of the business of the country at large."*

Mr. Justice Harlan proved to be right. Mr. Smith, president of the Louisville & Nashville, has steadily insisted that railways are private enterprises to be run for the profit of owners. He has hesitated neither to put his theories into practice nor to defend them before the courts. Finding it profitable, he placed prohibitory rates on the staple commodities of his country seeking a vent through Savannah, in order to encourage Pensacola, where his company had a monopoly. He made the pay of his freight-agents depend on the quantity of freight diverted from Savannah, and he avowed the principle that a railway might make money as best it could by favoring its own.† The presiding judge, while admitting that, under the precedents, favoritism might be carried to a reasonable extent, thought interdiction of intercourse unjustifiable. How the Supreme Court would have ruled is uncertain, for Mr. Smith did not appeal.

In the Alabama Midland case, the Court decided that domestic competition might create such dissimilarity of circumstances as would justify the larger charge for the shorter distance, but did not specify precisely of what character such competition must be. In this doubt many towns, thinking themselves aggrieved, asked for relief; and, of these cases, perhaps the two most celebrated were those of Danville and Chattanooga. Danville had 20,000 inhabitants. The Southern absorbed all the lines there centring, and then charged higher rates than to more distant terminals. Among these, Lynchburg, Danville's rival, sixty-six miles distant, lay on the Chesapeake & Ohio which obeyed the statute. The Southern also entered Lynchburg. For freight carried sixty-six miles less, Danville annually paid the Southern $50,000 more than Lynchburg paid upon the same quality and weight of goods. Thereby, the Commission found, Lynchburg might "annihilate" Danville. But the courts sustained the Southern in making low rates to Lynchburg and earning its dividends from Danville.

* 168 U. S., 177.

† Interstate Com. Com. *vs.* Louisville & Nashville, 118 Fed. Rep., 618.

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The Chattanooga case went farther. The Commission found Chattanooga to be 151 miles nearer New York than Nashville, and to be connected with Nashville by the Nashville, Chattanooga & St. Louis, the majority of whose stock was owned by the Louisville & Nashville. The L. & N. also connected Nashville with New York; and, to favor Nashville, the L. & N. gave it rates averaging, perhaps, 40 per cent. less than the rates to Chattanooga.

To meet this alleged competition the Chattanooga & St. Louis, the property of the L. & N., pretended that it must make equally cheap rates through Chattanooga to Nashville, so that a car-load of first-class freight from New York cost the Chattanooga jobber $456, and the same freight hauled in the same train cost the Nashville jobber, 151 miles farther off, $364, the Nashville merchant being thus enabled to undersell his Chattanooga rival, so to speak, on his own doorstep.

Judge Taft, in the Circuit Court of Appeals, held that genuine competition could not exist between the Louisville & Nashville and its chattel, the Chattanooga & St. Louis, and that the arrangement was a contrivance of the L. & N. to give Nashville an illegal preference, while exacting an unreasonable tax from Chattanooga.* The Supreme Court reversed this judgment.

Finally, to ascertain if a case could be presented which would hold under the long and short haul clause, the Commission selected the petition of one Calloway. Calloway was an inhabitant of La Grange in Georgia. La Grange lies seventy-one miles nearer New Orleans than does Atlanta, the terminal. Goods from New Orleans for Atlanta pass through La Grange. La Grange is on the Atlanta & West Point, one of the links of the line from Atlanta to New Orleans, a system of which the Louisville & Nashville forms a part. Hogansville, Fairburn and other towns lie between La Grange and Atlanta. The policy of the L. & N. in regard to its intermediate country is to take the terminal rate as the basis, and then add to this rate the local rate back to the point of destination. Thus on 100 lbs. of first-class goods sent from New Orleans to Atlanta, the Atlanta jobber paid $1 03. The citizen of Fairburn paid the rate to Atlanta, $1 03, *plus* eighteen miles back toward New Orleans, or $1 25 in all. Calloway paid $1 03 for the 495 miles haul from New Orleans to Atlanta, *plus* the local back toward New Orleans for 71 miles, or $1 43 in all.

* 99 Fed. Rep., 63.

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Neither the La Grange, nor any intermediate, freight went to Atlanta, but was delivered in its natural order. The Commission found the cost of the so-called local service, which was most of the way conducted in through trains, did not materially exceed the cost of through service; yet the habit of the roads was to haul freight to Atlanta, deliver it, receive it again, load it, carry it back to La Grance and redeliver it, to compete with direct deliveries to Calloway. Thus, the principle of taxing the helpless country was to increase the charge in proportion as the work done diminished. La Grange paid 38 per cent. more than Atlanta, though Atlanta lay 71 miles farther off, and the rule held good for Hogansville, Fairburn and, indeed, all places which had no means of defence.

It was suggested that competition at Atlanta might have forced rates to so low a point that, though the rates to La Grange seemed relatively high, they were in reality cheap. In answer, Calloway proved that the average revenue per ton per mile received by the Louisville & Nashville south of the Ohio, was 8.28 mills; that the first-class rate to Atlanta yielded over 4.17 cents per ton per mile, and to La Grange 38 per cent. more, or about 5.75 cents.

Such tariffs are remunerative, as the condition of the Atlanta & West Point indicated. It appeared that the road had always defrayed the cost of improvements from earnings; also that, in 1881, it had declared a stock dividend of 100 per cent., and ever since, both on the old shares and the water, had paid 6 per cent. annually, or 12 per cent. on the original capital. The president explained that this was legitimate, as the rates of the road had been legal, and the owners, instead of caring for the property, might have taken all for themselves. In other words, he sustained the thesis that the public has no more right to control a railway than a grocery.

Supposing this doctrine conceded, Calloway easily showed that business could only be conducted in La Grange by favor of the railway, since the company could tax any trade out of existence. The Commission found as a fact that jobbers in La Grange were so taxed. Calloway, "as compared with his Atlanta competitor, is at a disadvantage in all the section to the north of La Grange, and in La Grange the Atlanta dealer can sell as cheaply as complainant can."

Upon this evidence, the Commission held the railway rates

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from New Orleans to La Grange to be both "unjust and unreasonable in themselves, and as compared with their rates . . . to Atlanta."* On appeal, the Supreme Court reversed this ruling, Mr. Justice White intimating that he did not consider that the Commission had found the La Grange rates to be unreasonable in themselves, but only relatively unreasonable as compared with others which were competitive.

Until corrected by Mr. Justice White, the Commission supposed that they had expressly decided this point;† but their error was immaterial. Neither are judicial reservations of much moment. The decree is the essence. When relief is denied under certain admitted facts, men believe that, whatever judges may say, their decision is fixed, and in this instance both the public and the corporations considered that the courts had determined to give over the intermediate country to the railways. The long and short haul clause was abrogated; one hope only remained, that possibly the bench on further argument might construe the phrase "reasonable rates" more favorably for the public in the future than in the past.

Railway magnates were, however, inclined to jest at resistance. Counsel were persuaded that the judiciary would always allow the carriers ample discretion in the imposition of rates; while presidents freely said that they could prevent distasteful legislation. When the implied approval, in the La Grange case, of the device of stock-watering to halve a twelve-per-cent. dividend is coupled with the results reached in Smyth *vs.* Ames, the confidence of the lawyers seems not irrational. In Smyth *vs.* Ames the litigation arose over a Nebraska statute intended to remedy an alleged discrimination. The Nebraskans felt aggrieved because rates within their State were higher than those in adjoining States. Particularly it was averred that the Iowa schedules were 40 per cent. lower. Nebraska proposed to equalize matters by a reduction of about 29½ per cent. in local tariffs. The railways set up confiscation, contending that, on the basis proposed, local expenses would exceed local revenue. The Attorney-General offered to show that through business would yield good dividends even were local business done at cost, but that local business would not be done at cost but by a profit, since it would increase with cheaper trans-

* 7 I. C. R., 453.

† Interstate Com. Com. Report for 1898, page 32.

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portation. The judges declined to be convinced, and sustained the carriers' contention that the act amounted to an attempt at local confiscation, though the companies, on the whole, might pay handsomely. In this connection, it is to be remembered that, within three years, Mr. Hill bought the Burlington, one of the threatened roads, for $200 a share, thus fixing on the State forever the burden of paying interest on 100 per cent. of water for which the people receive no consideration.

Incidentally, the courts had so construed the clauses forbidding rebates and preferences as to make them ineffective. Thus, it appears that toward 1900 the carriers had achieved a commanding position. They had broken down the protection which the Interstate Commerce Act was supposed to give the intermediate country, and they had won, with but one exception, every important case in which their rates had been challenged, when they had appealed to the Supreme Court. It only remained for them to gain control at the terminals to be, in substance, autocratic. The Sherman Act forbidding combinations in restraint of trade was the obstacle to be surmounted; for that statute, as interpreted, covered contracts between rival lines made to suppress competition. Various traffic agreements differing from ordinary pooling were tried and held bad, and, finally, merger seemed the only method left by which the object could be accomplished. In merger eminent counsel felt confidence, a confidence based upon the conviction that the Supreme Court could never be brought to affirm that a man may not invest his money as he pleases, provided the enterprise itself be lawful. The legislature might as well prohibit, said they, the purchase of two groceries, or of two house lots. If merger should prove to be a restraint of trade, it would be time to interfere when an overt act could be alleged.

Accepting these opinions, Mr. Hill prepared to merge the Burlington, the Northern Pacific, and the Great Northern. After a memorable struggle, Mr. Morgan acquired the stock; and then he and Mr. Hill proceeded to organize a holding company to cover the system. Thereupon the Northwest revolted and the President intervened. Obviously cause existed for alarm. Mr. Hill's merger reduced under one ownership all the practicable highways traversing a region half as large as western Europe, and a cursory reference to the adjudications will show the power which such a combination could exercise over the population subject to it.

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Operating three roads in fact, though not in name, Mr. Hill could create technical competition at will. Chattanooga had been the victim of technical competition; for, when Chattanooga showed that the two roads said to be competing at Nashville, and thereby giving Nashville a preference of some forty per cent. in rates from New York, were actually owned by the same interest, the Supreme Court had not deemed this fact material.* The effect of this decision might be incalculable; for, wherever such peculiar competition could be proved, the power of the railways seemed to be without limit either as to the amount or the distribution of their taxation. The books teem with cases; but Danville and La Grange must serve for the present purpose.

In Danville, every pound of raw material, every manufactured article, every ton of coal, cost more than in Lynchburg. Yet it was admitted that the Southern lost no money by its Lynchburg schedule. "The difference in freight rates alone would afford a fair profit upon many manufacturing enterprises."† Mr. Culp, the manager of the Southern, was asked "what weight he gave to the interest of the city of Danville, to its proximity to Lynchburg, to the fact that it was a competitor of Lynchburg, and his reply in effect was, None."

But the Southern contended that on $120,000,000 of common stock, which had been issued as water at the reorganization, the road paid no dividends, and insisted that any order which tended to deplete revenue, amounted to confiscation of this stock.‡ Danville languished, and the Commission tried to give Danville relief, but the order of the Commission was reversed.§

In the Chattanooga case, the Louisville & Nashville, in the words of Judge Taft, alleged its "fostering care of Nashville" as a reason for giving that town a preference; and, when Chattanooga complained that because of this preference Nashville could undersell her at her own door, the defendant railroad set up competition at Nashville as the cause, although all the schedules were arranged by managers who obeyed Mr. Smith. To all intents and purposes, the two corporations formed one road, precisely as

* See opinion of Taft, J., in East Tenn. Ry. *vs.* Interstate Com. Com., 99 Fed. Rep., 63, reversed 181 U. S., 1.

† City of Danville *vs.* Southern Ry. Co., 8 I. C. R., 421.

‡ City of Danville *vs.* Southern Ry. Co., 8 I. C. R., 583, 584.

§ 122 Fed. Rep., 800.

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Mr. Hill's three roads were to form one. Towns so situated appeared to have no rights which could be enforced in the courts. Calloway at La Grange showed that, by taxation, the railroad left him the option of abandoning his trade or his home; and that, though the through rates sufficed to earn six per cent. on the genuine stock of the Atlanta & West Point, other six per cent. was raised by arbitrary taxation from the intermediate country. Yet Calloway lost his cause. Taken together, the La Grange case and Smyth *vs.* Ames were believed to indicate that any proposition which threatened to curtail dividends would meet with no favor from the tribunal of last resort, and though, out of deference to proprieties, it might be well to keep the nominal dividend low by stock-watering, that in practice profits would be protected.

Thus many inhabitants of the vast region covered by Mr. Hill's combination had reason to fear, were he to consummate his scheme, that no industry could thrive, no town could even develop its street-railways, no port could count on merchandise to ship, no immigrant could settle on the land, no farmer could sell his crop, save at Mr. Hill's pleasure. In fine, were this merger to stand, in substance, the income of several millions of citizens would be the residue left them after the combination had helped itself. Had the people been assured that the burden, however heavy, would have been evenly distributed, the prospect would have seemed less intolerable; but Mr. Hill stood forth as the champion of low terminal and high intermediate rates, and Mr. Morgan was the greatest speculator in the world. No one knew when Mr. Morgan might wring the Northwest dry to make a favorable report of earnings for effect on the stock-market, for it is notorious that rates have often more to do with rapid turns in New York than with the condition of the country.

"Upon a recent inquiry into a general advance in rates to the Southwest the traffic-manager of an important system testified that he made the advance for the reason that the financial manager of his company in New York instructed him to do so. Here was no delicate adjustment of rates to conditions, but simply the imposition by the controlling authority . . . of a higher . . . tax upon its patrons; and this . . . by the fiat of its New York office."*

Approached thus, the issue is clear. Upon consultation with

* Interstate Com. Com., Rep., 1903, page 15.

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his Attorney-General, Mr. Roosevelt probably perceived that, were he, as President, to countenance the merger, he would become a consenting party to the farming out, over nearly one-quarter of the Union, of an unlimited transportation tax, and this to irresponsible persons. Also, Mr. Roosevelt could hardly have failed to know that, if history teaches any lesson, it is the danger of farming out taxes to those whose interest lies in making them profitable. A long line of melancholy precedents, which extend from a period far antecedent to the trial of Verres, through the Middle Ages and the French Revolution, down to the present time, seems to indicate that irresponsible taxation can hardly be permanent, and that forcing competition to its logical end may have its perils. Suppose competition to go on until, by the destruction of the weak, all the highways of the nation fall under a single ownership, as those of the Northwest have already fallen. Almost certainly, that mass of capital would be assailed. To protect itself, it is conceivable that it might assume the government. This would be an empire, but, at least, it would be a conservative and responsible empire. Or, it is equally conceivable that total or partial confiscation of railway property might follow some convulsion, as Church property has been confiscated in Europe. This would be a movement toward socialism. Neither eventuality would commend itself to a sober American statesman. Meanwhile, a middle course is open. All railway men are not despotic, and many capitalists are sagacious. The Pennsylvania Railroad, for instance, has been liberal in its policy. The Pennsylvania has understood that it is not so much the amount of the tax levied as the equality of its incidence which makes a country prosperous and contented. The citizen can often afford to pay high, if no one, by preferences, can undersell him; but to be undersold is always ruin. Accordingly, the Pennsylvania has been willing to defer profits in order to build up its intermediate territory. It has not immolated the farmer, the small town, and the struggling industry for the sake of a quick return. It has observed the long and short haul clause, though the courts have declined to enforce it; and the community has reaped the benefit. The best commentary on the wisdom of this company is the high fortune of the State which it has served. If the Pennsylvania's policy could be extended throughout the Union by law, a condition of permanent equilibrium might be attained. Had the Supreme Court sustained

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the merger, the prospect of such a settlement would have vanished, for the victors would have had nothing more to gain. Their sole preoccupation would have been to prevent legislative interference. Defeated, they may incline to compromise, since to legalize merger is important to them. Conversely, merger properly regulated is an advantage to the public, if for no other reason because by suppressing competition at junctions it makes easier a general equalization of rates. If, therefore, it could be agreed that with legalized merger should go an effective board for the equalization of the transportation tax, Congress might have little hesitation in taking the carriers out of the Sherman Act.

Doubtless, after the failure of the Interstate Commerce legislation any attempt at adjustment must be matter of anxiety, since no one can foresee what a statute will ultimately mean, and no one can foretell the disposition of the judiciary. Nevertheless, the difficulties might be lessened if, at the outset, the objects to be attained were defined. In the first place, nothing would be gained by the creation of a Government Bureau to meddle with the railway business. Officials could never successfully prescribe rates; the work is too vast and too complex. It is a fallacy to imagine that good can be done by correcting single items in a schedule. The schedule works as a whole, and the grievance is either that, as a whole, it is unjust, or that it is not observed, and secret preferences are given. If a man complain of the rate on steel, and the rate on steel be reduced by government command, it benefits no one if the road may raise its rate on lumber and food to compensate itself for the loss.

What a tribunal may judiciously do is to exercise a negative. On Calloway's complaint, for example, a judge might examine the La Grange schedules and, if he found them unreasonable, order the road, under a penalty, to bring in a corrected schedule. This it probably would arrange, out of court, with the plaintiff. If the traffic-manager found the plaintiff too stiff, he would have the choice of presenting his own revision for approval, or of appealing. In any event, on failure to agree between the parties, the court might fix a provisional basis on which to do business pending the final disposition of the litigation. No one practically conversant with these controversies will pretend that complete equalization is attainable. A thousand causes are at work to vary the expense of transportation in different localities. Still these

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variations may be minimized, and absolute injustice eliminated. The weak need not be destroyed because their destruction may profit the strong. For example, Chattanooga need not be made to pay an excessive tax because the Louisville & Nashville is speculating in Nashville. On considering rates in relation to the return on capital, a stock dividend of 100 per cent. might be seriously weighed as relevant evidence. A telegraphic order suddenly raising rates without regard to local conditions might be scrutinized, and, if found to be connected with stock-manipulation, it might be dealt with otherwise than by a report to Congress a year afterward. The mere existence of such a tribunal, if permitted to perform its functions, would tend to alter the attitude of the people to the carriers, since citizens would feel that they were no longer subject to a servitude, but enjoyed an approach to the privilege of contract protected by the law.

To succeed, however, such a tribunal must have the support of the legal profession, it must be able to inspire respect, and it must possess local knowledge. Perhaps no better expedient could be devised than to appoint an additional circuit judge in each judicial circuit to take cognizance of these causes. Each magistrate might preside in his own circuit, and an appeal might lie to a full bench of railway judges, sitting occasionally. All this is matter of detail. The essential is the principle of arbitration between the public and the roads, and this must be the most important issue in the approaching election. The tariff cannot be changed without the consent of a Republican Senate. The nation's Asiatic policy must await future events, no matter which party wins; but the uncontrolled farming out of the transportation tax will be dealt with by the judiciary now. It is noteworthy that of the four judges who, in the Merger litigation, declared for railway absolutism, only one is a Republican. Mr. Roosevelt stands for the principle of legal supervision for the protection of the citizen; but, if he is defeated, the Supreme Court will be reorganized by him who has the appointing power during the next four years. A change of but one vote in that tribunal now would, apparently, suffice to endow consolidating capital with a power over taxation as despotic and as arbitrary as even those who have been most extreme have demanded. It would be superfluous to add that no issue can touch every citizen more nearly.

BROOKS ADAMS.

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OUR NATIONAL SUPERSTITION.

BY BARRETT WENDELL, PROFESSOR OF ENGLISH IN HARVARD UNIVERSITY.

For a good many years I chanced to be a member of the Harvard Committee on Admission from other Colleges. The principal duty of this committee is to scrutinize, with what care proves possible, degrees presented as credentials by students who desire to become candidates for degrees at Harvard. I have no right to speak for any of my colleagues, past or present. That wise man who is president of Harvard College always requests us to make clear in public utterances that no Harvard man's opinion may ever pretend to more authority than happens to reside in the particular Harvard man who utters it. With this reservation, however,—that, throughout this discussion, I have neither the right nor the wish to implicate anybody else,—I have no hesitation in saying that my experience as a committee-man long ago led me to views of American education less complacent than those which now seem general. For, very clearly, there are few colleges in America from which we were not sometimes—I had almost said often—confronted with Bachelors of Arts who seemed virtually uneducated. They supposed themselves educated, all the while; and, what is more, the fact that they possessed degrees proved that numerous academic authorities officially believed these far from accomplished persons to be such as could satisfactorily pass the tests which are intended to protect the standard of education in this country. Naturally, I was driven to ask myself, now and again, what on earth that word "education" means.

The answer was not so easy as the question. The word is so familiar nowadays that we rarely stop to think how vaguely it is generally used. But, even though many of us may have framed something like definitions of it for ourselves, I doubt

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whether any of us could at present venture to define it with much hope that his definition should command general assent. For the moment, accordingly, I shall not try to define it; I shall use it as vaguely as we are apt to hear it used every day of our lives. There is a fact about that use which, for our purposes, is far more important than any definition could be. Undefined and indefinite as it is, the word "education" is just now a magic one; from the Atlantic to the Pacific, it is the most potent with which you can conjure money out of public chests or private pockets. Let social troubles declare themselves anywhere—lynchings, strikes, trusts, immigration, racial controversies, whatever you chance to hold most threatening, and we are gravely assured on every side that education is the only thing which can preserve our coming generations from destruction. What is more, as a people we listen credulously to these assurances. We are told, and we believe, and we evince magnificent faith in our belief, that our national salvation must depend on education.

Whoever has travelled in both Europe and America must have plenty of visual memories to illustrate the present consequences of this national conviction of ours. Among the most dominant architectural monuments of the Old World are the great churches and religious houses everywhere erected throughout the Christian centuries by vast grants and gifts. They imply the abiding faith throughout old Europe that salvation could best be assured by unstinting generosity to the Church, which represented divine authority on earth. Sometimes, these structures were founded by corporate bodies—cities, guilds, whatever else,—who believed that special civility to divinity might win them special heavenly favor. Sometimes, they were founded by private sinners of fortune, who had been authoritatively assured that such foundations and monuments might have happy influence on the chances of their jeopardized souls. No doubt, there were noble ideals beneath it all; but these noble ideals were complicated and obscured by various less admirable states of mind and feeling. The enlightened temper of our own age and country is apt to discern these inferior motives more distinctly; and it has long been disposed to group them under the conveniently vague heading of "mediæval superstition."

In contrast to the beautiful embodiments of such superstition, which still make dreamily romantic so many of the towns and the landscapes of Europe, this surging new country of ours, proud of

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its enlightenment,—I know not whether school geographies still describe Europe as "civilized" and republican America as "enlightened,"—can begin to point to dominant architectural facts of widely different character and purpose. In most of our towns and cities, particularly as you travel westward, the most stately and impressive structures are not churches or religious houses. They are rather the abiding places of schools, and colleges, and public libraries, freely devoted to the education of everybody. These structures, to be sure, lack the dreamy beauty of romantic fancy; but they are the best tokens which the munificence of our country could give that our national faith is unshaken. On education, we apparently believe, and on education alone, our national salvation depends. Sometimes, our temples of education have been founded by public bodies, from Congress itself to town meetings, who still seem unwaveringly confident that, however lax they may be about other things, faithful devotion to the interests of education will go far to atone for their errors. Sometimes, these sanctuaries of our national cult have been founded by private benefactors, whose motives occasionally seem analogous to those which prompted the pious munificences of mediæval sinners. For, ask any American what we shall do to be saved, and, if he speak his mind, he will probably bid us educate our fellow men.

In all this, when one stops to consider, there is a somewhat disturbing likeness to the superstition which nourished the now fading splendors of religious foundations throughout mediæval Europe. The men who laid these foundations never knew precisely how they were going to work. Assured, however, that religious foundations would at once work wonders and reflect inestimable credit on founders, they gave and gave, until the Church waxed fatter than the laity. Wherefore, at last, as Protestant tradition has kept busily in mind, the great good which ensued from endowments of the Church began to glow very feebly before lay eyes in general. The educational enthusiasm which now possesses our free and enlightened country does not present so marked a contrast to all this as might have been comfortably expected. When we begin to inquire, we are apt to discover that Americans in general do not know exactly what education is; and, furthermore, that they have extremely nebulous ideas of what it can accomplish. They are content with the assurance that in education lies salvation. They believe so. They give and give, ac-

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cordingly, with what looks very like blind faith that they may thus justify those phases of themselves which most need justification. So far, no doubt, our institutions of learning have not waxed fat enough to excite much lay envy; yet, even already, American education is beginning to show symptoms like some among those which aroused lay hostility to the mediæval Church. Our comic papers, for example, have long found highly available any trite jests about the follies and the uselessness of college boys, and sometimes even of college girls; and I do not see how any one can doubt that American society will soon be obviously encumbered with certain vast, if respectable, mendicant orders of scholars—such as the male and the female Doctors of Philosophy.

The conclusion to which this line of thought obviously leads is disturbing. It has so often been my temperamental misfortune to express myself in a manner which has appeared frivolous that I may, perhaps, be pardoned for explicitly setting down what this conclusion at first meant to me. I have never in my life been more deeply stirred than when I finally realized what I have just been trying to explain; namely, that, in many aspects, the present mood of our country concerning education is neither more nor less than a mood of blind mediæval superstition.

My first impulse from that discovery was one of revulsion, of recoil. I felt utterly iconoclastic, like those seventeenth-century Puritans who defiled and defaced the glories of the Lady Chapel at Ely; or like Emerson, proclaiming with all his serene insolence to what still held itself his Christian congregation that, for lack of personal interest in such ceremony, he would no longer comfort the faithful with the Sacrament of the Body and Blood of Christ. It was the memory of such honest iconoclasms as these which checked my iconoclastic impulse. Christianity is none the less a spiritual force because, now and again, its spirit has become enshrouded in a mist of symbols too thick for ordinary human sight to penetrate. Nor are these symbols themselves to be disdained for the mere reason that many honest people can discern in them nothing better than idols. The fact that truth is sometimes dimmed by superstition no more means that truth is nowhere than the evanescent fogs of my own New Hampshire seaboard mean that there is no sun. Rather, indeed, we should remember that there is need of our vital sun to raise them.

Thus I began to ask myself what living truth underlay that

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educational faith of ours, which on the surface seemed so densely superstitious. And here I could find little help in listening to the apostles of the hour. I was trained, you see,—so far as I was trained at all,—when Harvard was still something like an orthodox school of old-fashioned learning. That training made me, so far as it made me anything, not a technical scholar, and still less a man of science, but only a man of letters. Had I been a scholar, in the modern acceptation of the term, or a man of science, I might, perhaps, have discerned in the vagaries of educational literature something else than a mere man of letters can find there. It is possible, conceivably it is more than possible, that modern pedagogics may be struggling out of darkness into some more divine light than has been vouchsafed us yet. It is equally possible that mere men of letters may be only stray survivals of a past epoch, soon to be extinct. But, all the while, it is not possible to deny that, so far, the utterances of our pedagogic contemporaries present themselves, to such of us as survive, as things more archaic, more primally elementary, than our own. The writings of many authorities on education seem to us like the fanatical utterances of over-confident political reformers, vaunting untested panaceas. The writings of others seem like the alchemic gropings of those old pretenders to science who never got beyond explosive experiments in search of the Philosopher's Stone. At best, the confusion of tongues bespeaks an intellectual Babel.

As a man of letters, bewildered by such environment, I was consequently impelled to seek for myself what truth this bewilderment might conceal. Or, better, I was wholesomely forced to give myself the clearest account I could, of how the truth which firmly warrants our national faith in education could be perceived by eyes like mine. One thing was soon evident; there are solid historical facts on which that national faith, however superstitious its vagaries, may justly and firmly be based.

Take a single example. From our national beginnings, the history of our country has involved an experiment in democracy greater in scale and in scope than any previously attempted. One difference between this and elder systems of polity is that the elder gave factitious importance to certain distinctions of rank, which we discarded, once for all. Manifestly, these distinctions and the motives which they excited had not always proved able to place deserving men in positions of public control. One of our fervent

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national hopes was that unprecedented freedom of suffrage might tend to develop leaders who should really be worthy and able. Now, a familiar fact, obvious to anybody, is that, throughout the country, our first century of national experiment gave preponderant prominence and power to the profession of the law. An equally obvious fact is that, among American professions and occupations during the nineteenth century, that of the law was most apt to contain men who had availed themselves of every educational opportunity within their reach. It is hardly excessive to say that throughout the nineteenth century the American bar proved itself a true intellectual aristocracy. In free competition, it forced itself to the fore; it asserted and justified its recognized leadership. And the secret of its superiority seemed to lie partly, even greatly, in the fact that everywhere, among other men otherwise his equals, an American lawyer had generally had the advantage of more thorough education. This is only one conspicuous example of a clear fact; quite apart from what some people call higher considerations, the practical experience of our American republic has tended to show, in a thousand ways, that education is practically worth while—that, throughout America, educated men have a palpable advantage in any struggle for political or social existence.

Yet, when one came to examine the actual education which these successful persons had enjoyed, it seemed monstrously unreasonable. It was based on the traditions of the Renaissance in Europe; and these traditions assumed that whoever was ever to know anything must begin by devoting laborious years, which he should never see again, to the acquisition of a little Latin, and less Greek, and less mathematics still. After which, and only after which, he might devote himself to so much technical study of his chosen subject or profession as circumstances should permit. The system certainly worked; to prove that, you have only to open those catalogues of New England Colleges which record the names of men who took the Bachelor's degree between 1800 and 1850. But, plainly stated, the system looked even more repugnant to plain common sense than it was efficacious.

What is more, these finished products of our traditional education were not usually expert in the matters which they had pretended to study. Even if they had been able to read the classical languages easily and to apply algebraic processes to the question

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of how to make both ends meet, there might well have remained in the mind of any critical enquirer a question as to whether the energy involved in such acquisitions might not have been better directed. But, after years of work in classics, most college graduates—at least among such as ever came to my knowledge—were unable to make anything out of a Greek page or a Latin which they had not studied up for purposes of examination; and in mathematics, their real attainment, as a rule, demonstrably stopped short at long division. The thing certainly seemed preposterous, not only to people who had lacked the benefits of this higher education which the public was called on to pay for more and more, but also to people who had experienced the disheartening dulness of it. Education, everybody agreed, was a good thing; yet to almost everybody its condition seemed unintelligent and unreasonable.

Obviously, this state of affairs needed reform. Obviously, a process which, even in an unreasonable state, was so generally efficient, might be expected to work miracles if once duly rationalized. For example, if some years of reluctant struggle with Latin grammar could be replaced by an equal amount of intelligent study of one's own language, it would seem to follow that the English language would presently be handled by graduates of American schools and colleges in a manner evidently superior to any previously known or imagined. Or, if unintelligent recitation of geometrical propositions could give place to field study of the rocks and the wild-flowers of one's own neighborhood, the children of the future would not only become alert observers of natural phenomena, but incidentally they would find their school hours—hours which had been so dreary in our time—changed to hours which should glow heavenly, irradiating a finally beautiful and intelligible earth. Above all, if there were any point concerning which the temper of educational reformers tended to agree, it was this: if pupils in the past had gained so much from unintelligent study of matters which did not interest them, and which, in any event, were of no practical use, there could be no question that pupils in the future must gain incalculably more from intelligent study of matters inherently interesting and obviously useful.

The whole new system of education, from a child's first school to a man's last degree, is based on this principle, which we may call the principle of the kindergarten—not literally, of course,

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but in general temper. You must try to find out just what everybody likes best, and then help him to do it as kindly as you can. You must interfere with him as little as may be—only when his impulses take a form which threatens to damage somebody else. Incidentally, if you can induce him, from early childhood, to take pleasure in handiwork,—in making something ornamental or useful,—so much the better. And, particularly, whatever he is about, he should be incited to diligence not by the selfish spur of competition, or by the degrading fear of a spanking, but by the stimulus of delight in work, or, better still, by the encouragement of altruistic enthusiasm, such as sometimes gladdens the birthday breakfast-table of papa with a rather oily paper-cutter, sandpapered by the diligent hands of baby.

There can be little question that the new education in all its stages, has turned out far more paper-cutters and the like than the old ever pretended to. In which parable we may include, once for all, its achievements in the way of technical and special training. The paper-cutters in question certainly serve a pleasant domestic purpose, and they do no harm; they are not of such quality as seriously to affect the mercantile prospects of those who deal in the real article. Under the older system, on the other hand, hardly anybody could make paper-cutters at all. But, granting this, there does arise a question as to whether this making of paper-cutters, in an atmosphere suffused with sentimental kindness, is proving itself, on the whole, a more efficient educational process than the less reasonable one which its sweet reasonableness is now tending to uproot and to supplant.

Such a question, I suppose, each of us must answer for himself. The pedagogues—and their noble army is at present innumerable—hold that, if the new system is not yet always and obviously superior in its results, it ought to be, and therefore that in due time it will be. The whole thing looks impressive in their habitual reading—namely, in educational reports. Wherever educational facts do not come within the range of one's own experience, indeed, it is hard to resist the assumption that this new education is rapidly approaching excellence. All the assumption in the world, however, cannot belie experience; and I am much deceived if the experience I have met with at Harvard, during the past twenty years, is widely different from that which must come to teachers at any American college.

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In the first place, the new methods and the new subjects have not produced a higher standard of attainment. English, for example, is directly taught at schools a great deal more than it used to be, and taught, furthermore, in what are believed to be freshly vital ways. But, so far as I can see, the boys who come to college nowadays know their English just about as well as the boys of my time knew their Latin,—certainly no better. In brief, human nature remains human as ever; and, no matter what they study, or how, human children will rarely learn a bit more than they can help. Teachers of pedagogics have much to say about delight in work. For my part, I begin to think that I was right in childhood, when I held such delight to be *prima facie* evidence that a boy needed medicine.

Again, and what is far more serious, year by year, it seems to me, as the newer educational notions have supplanted the elder at schools which fit boys for college, those boys prove, when they get to college, flabbier and flabbier in mind. I remember a talk with a Harvard sophomore a few years ago which will illustrate what I mean. He was a pleasantly disposed boy, as Harvard sophomores are apt to be; and, finding himself unexpectedly aware that his mind lacked cultivation, he did me the honor to inquire how I thought he might best proceed to cultivate it. I answered that his first business should be to take in hand some hard and solid subject, and therewith to plough out the traces of the kindergarten. The look of wonder in his big brown eyes lingers with me still. How on earth did I know, he asked, that he had been to a kindergarten at all? I doubt whether I quite succeeded in explaining myself. I had recognized the fact from his inability to keep his attention fixed, for any perceptible length of time, on anything which did not happen to excite his interest; and my explanation appeared not to do so. His culture, I regret to say, seemed little improved when I met him last, about to proceed to our own degree of Bachelor of Arts. The new education had him fairly in its clutches, and the buffets of life had not yet begun to loosen them.

Again still, the actual methods of the new education are sometimes startling: a few months ago, for example, I discovered in the Freshman Class at Harvard a student, of fairly robust mental quality, who found great trouble in alphabetically sorting some hundred or two manuscripts, endorsed with the names of the

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writers. A few questions revealed the cause of his perplexity. He had been taught at school to read and to write and to cipher fluently; but he had never been called upon to learn the alphabet. The order of the letters therein had impressed his school-teachers as arbitrary, and therefore not reasonable; and, desiring to be purely reasonable, these teachers had presented the twenty-six letters to him as independent phonetic symbols, of which the meaning was to be inferred from experience of them as they appeared in various words. He could spell, I subsequently discovered, rather better than I should have expected. But what use he could make of a dictionary, the Lord alone knows. After all, I suppose, the order of words in dictionaries may perhaps be held, by reasonable pedagogues, unreasonably and obsoletely arbitrary.

It was not so in our time. There can hardly be alive to-day an educated man of fifty who will not shudder when he remembers how many benumbing youthful hours he had to pass over the abhorrent pages of Andrews, or of Liddell and Scott,—more repellent, if possible, than those other horrors, the Latin and the Greek Grammars, which the methods of the older time interposed between the vital meaning of classical literature and any faithful schoolboy. No one ever recoiled from that drudgery more rebelliously than I; few, I think, can have condemned it much more freely. Through many years, extending far into my life as a college teacher, I did not cease to resent the fact that, after ten honest years of work with Latin, and six or eight with Greek, I put those studies despairingly aside, unable to read a page in either language. The same was generally true of my friends and classmates. We had been victims, it seemed, for years of an educational superstition far more blind than any which has succeeded it. Yet now that the results of what pretend to be more enlightened methods are slowly defining themselves, I begin to wonder whether, evil as our fate was, the fate of those who have followed us be not, in a chaotic way of its own, more evil still. We were ill educated, no doubt; but, from my point of view as a college teacher, the younger generations often seem hardly educated at all.

And here I find myself using the term "education" with a meaning more nearly precise than before. Education is a matter partly of information and partly of training. The latter phase of it seems to me the more important. A satisfactorily educated man distinguishes himself from an uneducated one chiefly because,

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for general purposes, his faculties are better under his control. An educated man, in short, when confronted with new or unexpected problems can generally use his wits better than an uneducated one. Here we are on purely practical ground. The simple question becomes one of plain fact, not of prejudice. What kind of education makes people most frequently efficient for general purposes? Honestly answering this, though I am myself professor of a radical and practical subject, I am bound to say that purely practical considerations go far to justify the old system of classics and mathematics, in comparison with anything newer.

Though I cannot be sure that anybody else would agree with me throughout, I have some warrant for this opinion in my memory of a recurrent discussion in the Harvard faculty. At various times, the requirements for admission to Harvard College have been altered, in the interest of educational reform. On each of these occasions, our more radical colleagues have desired that our department of English should propose, as a subject for admission, what they called Advanced English,—that is, a plan for the study of English in schools which should fairly be equivalent to advanced study of the classics or of mathematics, and which might consequently be held a complete alternative. On each of these occasions, our department of English have unanimously declined to propose any such thing. And our ground, as I have understood it, has been that we could not conceive how any plan for the study of English in schools could be anything like an educational equivalent for the advanced studies which our radical colleagues desired Advanced English to supplant. In other words, we have unanimously believed that a man who is going seriously to study English at college may best prepare himself for such study by a severe preliminary training in the studies which have regularly preceded English throughout the past.

We have been reproached, accordingly, as not believing in our own subject; we have been told that we were blinded by outworn superstition. Is there any mystic power, we have been asked, in the fetiches of the schools? Can unmeaning words, just because they chance to be in Greek or in Latin, work miracles? Are we so mediæval as to bow in awe before a scholastic Abracadabra? Questions like that are really staggering. What is more, our classical and mathematical colleagues have helped us very little toward the finding of an answer to them. They repeat orthodox

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formulas about the "humanities;" and the formulas of orthodoxy, infinitely edifying to the faithful, give small comfort to sceptics. Yet the fact remains, that no orthodoxy can remain vital through the centuries unless its formulas enfold some truth which must give us pause. And what the truth is which made the elder training so much more efficient than the new is beginning, at least for me, to shine clear.

The practical aim of a general education, I have said, is such training as shall enable a man to devote his faculties intently to matters which of themselves do not interest him. The power which enables a man to do so is obviously the power of voluntary, as distinguished from spontaneous, attention. Any one, for example, can read the items in a newspaper. With no more interruption than occasional skipping, any one can read a novel which interests him. Any one can keep his wits fixed on a well written play, particularly if the performers possess the advantage of personal attraction. But the moment anything be long or dull—sermon, poem, or problem, it is all one—only those can keep their wits from wandering who have somehow learned to control them. In other words, whatever interests people commands their spontaneous attention, and accordingly such power of concentration as is naturally theirs. But if a man is to make anything whatever out of a matter which does not interest him, he must concentrate his powers on it by a strenuous act of voluntary attention.

It is precisely this faculty of voluntary attention which education, in the broadest sense, can most surely cultivate. The fact that it can do so is patent, when you consider what education has actually done. The faculty of voluntary attention, for example, obviously distinguished the American lawyers of the nineteenth century from their fellow citizens, of whom they were so apt to take the lead. That faculty clearly distinguished the college students of thirty years ago from the flabbier students of to-day. And that faculty, I believe, such persons as these, whom we may hastily take as typical, gained largely from that elder system of education to which they were forced to submit. And no one, I believe, can gain it in anything like the same degree from methods as yet devised by apostles of the kindergarten. The elder education, to be sure, cultivated voluntary attention, not because it specifically insisted that pupils should unintelligently devote tedious years to grammars and dictionaries of Latin and

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Greek, or to lifeless variants of the extinct vitality of Euclid. But, unknowingly, it cultivated the faculty well. Through daily hours, throughout all their youthful years, it compelled boys, in spite of every human reluctance, to fix their attention on matters which, of themselves, could never have held attention for five minutes together.

No doubt, plenty of subjects other than classics or mathematics could have been made to serve this purpose and could be made to now. You can hardly imagine a subject, essentially uninteresting, which would not reward plodding work with a similar result—with substantial ignorance of the matter studied, but with increasingly and lastingly muscular power of voluntary attention. The only actual practical virtue which lies in the traditional subjects comes mostly from the accident that they are traditional. As a natural consequence, they have acquired, through the centuries, a degree of precision not yet attained by any rivals. Even unsympathetic and unintelligent teachers can, therefore, keep closer watch of them. If the attention of boys who study classics or mathematics begins to wander, it can instantly be perceived as vagrant. If it errs, its errors can swiftly and certainly be corrected. And the very fact that the classical languages are dead, and that the abstractions of mathematics must generally seem repellently lifeless, is part of the secret of their educational vitality. Of late years, it has often been supposed that training in natural science would do more for the power of voluntary attention, and therefore would have a higher educational value, than training in the old humanities. So far as my observation has gone, this has not yet proved the case. And one reason why it has not, I am disposed to think, is because the natural sciences are apt nowadays to prove a shade too interesting. In the end, accordingly, like other alluring things, they often excite an attention more nearly spontaneous than voluntary. If so, the study of them would inevitably result rather in technical information and habitual aptitude of a special kind, than in any broad general training, available for any other service than that immediately concerned.

The classics and mathematics have, doubtless, been tyrannical, and, what is worse, they have been supercilious. There can be little doubt that the day of their dominance is past; and that resentment of their pretensions will long blind the educational au-

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thorities of our democratic country and age to the real nature of their educational potence. Of all educational superstitions, we may freely admit, none is more instantly apparent than that which worships the classics and mathematics as idols. And yet the newer educational superstition, which bows the knee to pedagogics, is beginning to seem more mischievously idolatrous still. For behind the dethroned idols there was an orthodox truth, not yet discernible behind the new; and the education which resulted from the elder system had a virtue which must somehow be revived, if the new is to justify the magnificent and generous faith of our still youthful America. No education, I believe, can serve much practical purpose, in training men for the perplexing diversities of practical life, unless it base itself on the training, throughout the flexible years, of that faculty of voluntary attention which only in maturity should be suffered to range among the matters of its choice or of its incidental duty. Any education, on the other hand, which does this work is a priceless boon, not only to those who have won it, but to the country of which they are citizens.*

BARRETT WENDELL.

* This article substantially reproduces a Commencement address, delivered at Haverford College, on June 10, 1904.

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A SIXTEENTH AMENDMENT.

BY CHARLES W. THOMAS.

THE unabridged and exclusive right to fix the qualifications of voters was reserved to and exercised by the several States of the Union until the adoption of the Fifteenth Amendment to the Constitution. That right still exists, subject only to the prohibition expressed in that Amendment. The removal of that prohibition would leave the several States vested with the exclusive power to regulate the suffrage, for all purposes, within their respective jurisdictions. The provision of section 1 of the Fourteenth Amendment, to the effect that no State shall abridge the privileges or immunities of any citizen of the United States, has no reference to the right to vote, because the right to vote in any State is not now and never was a privilege or immunity guaranteed to any person by reason of such citizenship.

The fundamental theory of our Government is that the United States and the several States shall each be and remain supreme in their respective spheres of governmental action. All powers not expressly, or by reasonable intendment, granted by the Constitution to the United States were reserved to the States and the people. The Thirteenth Amendment, abolishing slavery, was the first abridgement of the power of the States to establish the *status* of their own citizens, and to control their own affairs. The second limitation upon that power was section 4 of the Fourteenth Amendment, which forbids the United States or any State to assume or pay any debt or obligation incurred in aid of insurrection or rebellion, or for the loss or emancipation of any slave. These two limitations upon the power of the States to act with reference to their own affairs, have received the approval of all the people of the United States, and no enlightened citizen would, at this time, have them, or either of them, abrogated. These two

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are the only abridgements expressly made by the Constitution of the otherwise unabridged powers of the States to act without restraint, in all matters pertaining to their own local governments. Neither of them increases in any degree the powers of the Federal Government. They have no centralizing effect. They forbid the States to do certain things, but they do not give the United States any power to do the same things. The Federal and State Governments are alike subject to their prohibitions. Taken together, they meet the demands of the enlightened conscience of civilization and have the approval of all good citizens.

The scheme of reconstruction adopted after the Civil War, and necessarily influenced to some extent by the exasperated condition of the public mind at that time, included the Thirteenth Amendment, abolishing slavery, and the Fourteenth and Fifteenth Amendments. When we consider the immense sums of money spent by the United States; the vast debt incurred; the lives lost; the homes made desolate; the futures of a host of good men ruined by mutilation and disease, and all the uncatalogued evils suffered by the people in the maintenance of the law in the Civil War, which was deemed to have been occasioned by a useless revolt against an authority which did not oppress, we must stand amazed at the moderation of the conquerors. But, as praiseworthy as that moderation now seems to be, it involved a radical change in the relation of the General Government to the States, which was, unfortunately, unwise in its theory as well as imperfect in its expression.

Section 2 of the Fourteenth Amendment and the Fifteenth Amendment are the only provisions pertinent to this discussion, and, for convenience of reference, they are here reproduced:

"XIV., §2.—Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, *the executive and judicial officers of a State or the members of the Legislature thereof*, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

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"XV., §1.—The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude."

The Fifteenth Amendment is virtually a dead letter. It was so formulated that it could be legally annulled and abrogated by every State which was willing to enact the legislation necessary to avoid its effect. It has been so annulled and abrogated, and has proved wholly inefficacious for the main purpose for which it was adopted. It is a demonstrated failure and no longer has any usefulness, except as evidence of the incapacity of its authors to do what they intended to do. It stands now virtually repealed by the ingenuity of those whom it was intended to restrain. It is a monument to the inability of statesmen who discovered a way how to do a thing which turned out to be a way how not to do it. It encumbers the Constitution.

Up to this date, both of the constitutional provisions above quoted are as though they had never been enacted. No serious attempt has been made to enforce the penalty prescribed by section 2 of the Fourteenth Amendment, and the States which have annulled the Fifteenth Amendment, in their several jurisdictions, still have representation in the Electoral College and in Congress, virtually based upon vast numbers of disfranchised voters, who were not disfranchised for participation in rebellion or other crime. No reasonable man can expect that the States which, on account of these conditions, are deprived of their just representation in the Electoral College and in Congress, will long suffer that deprivation; and the question what remedy shall be chosen to cure this evil, will soon become one which will demand and receive a just and equitable settlement. The people will not permit the fundamental law of the land to be forever disobeyed and held for naught. But no fair man can fail to see the difficult political problem which these constitutional provisions presented to the people of the Southern States. Their chief complaint has been that the Fifteenth Amendment, if honestly enforced or acquiesced in, takes from the intelligent and property-owning class of people in that section the direction of their local affairs, and gives it entirely, or in a great measure, to an ignorant constituency, wholly incompetent to manage the affairs of any government whatever. The evils they complain of are not fancied, but actual and disastrous. They are such as could not be endured, and State after

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State, when the people had become weary of the odium which attached itself to open force and covert fraud, provided legal devices, more or less ingenious, to avoid the effects of the Fifteenth Amendment. They chose rather to risk the penalties prescribed by section 2 of the Fourteenth Amendment, than to surrender the control of their local affairs to the management of an ignorant and incompetent constituency. Whether they were governed by any proper code of political ethics or not, is a question which need not be discussed. They were certainly impelled by considerations of self-preservation; and, while they may be blamed by rigid political moralists, the sound common sense of the people will not fail to recognize the threatening emergency under which they acted.

Section 2 of the Fourteenth Amendment is open to just criticism, both as to matter of substance and matter of form. Both this section and the Fifteenth Amendment, taken together as part of one plan, are the converse of what they ought to have been. They are based upon the denial or abridgement of the right to vote, when they ought to have been based upon the granting and extension of that right. They tacitly assume that all male citizens of the United States are entitled to vote at all elections, and they provide a penalty for any abridgement of that right; when they ought to have assumed that the right to vote was one which might, or might not, be given to such citizens by the States respectively, and by each State to the extent that it saw fit to prescribe, and the penalty ought to have been made to depend upon the extent to which the several States exercised their power to limit the suffrage of those citizens in national elections, with which alone the National Government has any just concern. The scheme ought to have contemplated an inducement to extend the suffrage, instead of providing a penalty for abridging or denying it.

But, defective as the plan is in the respect mentioned, it is also a radical departure from the established scheme of our government. The provision of section 2 of the Fourteenth Amendment providing a penalty for abridging or denying the right to vote for the executive and judicial officers of a State or members of the Legislature thereof, is an unwise, punitive provision, enacted, not for any good purpose affecting the whole people of the United States, but for the sole purpose of punishing the people of certain

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States for refusing to surrender their local governments to virtual anarchy. It is an unjust interference by the United States with matters which in no wise concern its government. It is a reversal of the well-established relation which theretofore existed between the Federal and State Governments, and an unjustifiable departure from ancient methods. To enforce it will re-open wounds that are well-nigh healed, and entail again the bitterness of sectional strife.

Section 2 of the Fourteenth Amendment is not and cannot be uniform in its operation, and is therefore unjust. It links together two bases of representation. The primary basis of representation is the number of inhabitants, but the penalty for denying or abridging the right to vote is based upon the proportion which the number of the disfranchised bears, not to the number of the inhabitants, but to the number of male citizens twenty-one years of age. Inasmuch as the number of citizens of the United States of the age of twenty-one years in any one State does not bear the mathematical relation to the number of its inhabitants that the number of such citizens in any other State bears to the inhabitants of that State, it is apparent that this section cannot have a uniform operation. Illustrations could be given but they are unnecessary at this time. They can be supplied by any one curious and industrious enough to consult the report of the Census.

There is another objection to section 2 of the Fourteenth Amendment which goes to the practicability of its enforcement. Suppose that a State denies to any citizen of the United States the right to vote, because he failed to pay a poll-tax. The number of such persons would not in any two years bear the same proportion to those who paid the tax, and what just rule could be devised under which the penalty imposed by this section could be enforced? Any law of Congress enforcing that penalty must necessarily be specific and self-acting. It could not leave the extent of the penalty to be fixed by any executive or judicial officer, to be changed as the conditions changed. Every ten years Congress would be called upon, in the discharge of its legislative duty, to fix the representation of the several States in Congress and in the Electoral College for the succeeding ten years. What prior year would it take as a criterion, when it came to consider the abridgement or denial of the right to vote based upon non-payment of a

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poll-tax? Other denials of that right for other reasons might be referred to as illustrating the fundamental mistake first above referred to, namely, the failure to hold out an inducement to grant the suffrage, instead of prescribing a penalty for denying or abridging it, but this one is sufficient at this time. The difficulties in the way of enforcing section 2 of the Fourteenth Amendment may not be insurmountable; but, apart from the sectional bitterness that would be aroused by any attempt to do so, those difficulties would tax severely the ingenuity of our lawmakers.

The remedy for this unfortunate condition of the fundamental law seems to be to do now what might have been done in the first place, and probably would have been done, if calm consideration had dispelled the idea that it was a case of imposing penalties upon wrong-doers. If some such remedy is not found, the provisions of section 2 of the Fourteenth Amendment, rigorous as they are, must be enforced. Such a remedy can be found. Adopt a Sixteenth Amendment which might be substantially as follows:

"XVI., §1.—The Fifteenth Amendment to the Constitution of the United States and sections 2 and 3 of the Fourteenth Amendment thereto are hereby repealed and abrogated.

"§2.—Representatives shall be apportioned among the several States according to the number of male inhabitants of the age of twenty-one years and over, being citizens of the United States, who are permitted by law in the States respectively to vote for the choice of electors for President and Vice-President of the United States and for Representatives in Congress.

"§3.—Congress shall have power, by laws uniform in their operation, to fix the time and prescribe the manner of holding elections for the choice of electors for President and Vice-President of the United States and Representatives in Congress, and the power to enforce all the provisions of this article by any appropriate legislation."

Section 3 of the Fourteenth Amendment is included in the above suggestion because it refers solely to the imposed disabilities of those who were in rebellion, and is no longer of any force except as an unpleasant reminder of internecine war.

The above proposed amendment places the power to regulate the suffrage where it was before the Fifteenth Amendment was adopted. It permits the States, as far as their local elections are concerned, to abridge or deny the right to vote thereat as they see fit, and visits them with no penalty whatever for so doing. It simply provides that their representation in the Electoral College

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and in Congress shall be as they severally choose to make it by affirmative legislation. If any State desires a maximum national representation it will, by law, permit all male citizens of the United States twenty-one years of age and over to vote for electors and Representatives, as is now the case under the Constitutions of a large majority of the States of the Union. If any State concludes that the evils of an extended suffrage in that regard more than counterbalance the benefits to be derived from a full national representation, it can so provide. The Federal Government will have removed its hand from any control of local elections in the States, and returned to the States the power to prescribe the qualifications of voters at all elections, retaining only the power to fix the time and prescribe the manner of holding such elections as affect its own administration. It will have substituted persuasion for penalties, simplicity for complexity, certainty for uncertainty and uniformity for confusion. The impending struggle for the enforcement of the penalties named in section 2 of the Fourteenth Amendment would be happily averted, and all its attendant evils avoided. A free choice to be made by the complaining States would be substituted for a penalty imposed upon them for assuming and retaining control of their own local governments, and saving these from ruin and anarchy.

Some such measure ought to receive the ready and earnest approval of all fair-minded men in the South. We have had enough of strife and sectional bitterness. The people who are now deprived of their just representation in the Electoral College and in Congress would deeply regret the necessity of a sectional struggle to get their rights; but, unless some other remedy is found, they will be forced to apply the one they now have. The Southern States have an influence in national affairs to which they are not rightfully entitled. They have had such an influence since the foundation of the government, and they cannot reasonably expect the other States of the Union, who have done no wrong to the Constitution, to submit forever to an unjust and unlawful discrimination against them.

No matter what sympathy reasonable men may have for them in the unhappy conditions imposed upon them by the Fourteenth and Fifteenth Amendments, the Southern States may rest assured that all that sympathy would disappear if they stubbornly refused to accept some such compromise as that above suggested, and per-

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sisted in claiming in the national councils a weight which they have always had and to which they are no longer entitled. The oppression to which they have been subjected is no justification for allowing them a representation in the Electoral College and in Congress based upon vast numbers of citizens of the United States whom they will not permit to vote at national elections. The States which are deprived of their fair share of representation will certainly, sooner or later, insist upon the enforcement of the Fourteenth Amendment and the imposition of the penalty therein provided for. Their people belong to a patient and long-suffering race and are slow to act; but our recent history has shown that, when they conclude that the time for action has arrived, no obstacles are sufficient to stay their progress or turn them from their purpose. This is not a matter of partisan politics or sectional prejudice. It touches the self-respect of a very large majority of the people of the United States. The present conditions offend their sense of justice. They want no more strife with their brethren. They would much prefer a remedy which would permit a gradual, orderly and regular extension of the suffrage in national elections, to the enforcement of the onerous penalties now prescribed by the Constitution. They do not wish to have the Federal Government interfering in the purely local elections of the States. They are willing to deny that power to the United States, but they are not willing to submit forever to the discrimination from which they now suffer.

The situation is grave enough to enlist the best efforts and the most enlightened judgment of our statesmen in devising some fair and just method of settling this great and serious question. It is now pressing for the considerate attention of our people, and it will continue to urge itself upon them until they settle it aright.

CHARLES W. THOMAS.

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GEORGE FREDERICK WATTS.

BY ROYAL CORTISSOZ.

So far as the available records go to show, the long life of the late George Frederick Watts was unmarked by any of the incidents which make an artist's biography romantic or exciting, as his character was untinged by any of the qualities which turn a man into an object of morbid curiosity. His passing was very different from that of Whistler, for example, whose death was a signal for the outpouring of innumerable piquant recollections. There are no stories to be told about Watts. He was the hero of no war of words. In fact, there was something in his personality akin to that of Wordsworth, whose "plain living and high thinking" he made his own rule of life. Like the poet, he had a lofty mind, loved seclusion, and did his work in the world with a devotion and a dignity which can only be described as unworldly. The earliest portrait of him that I know is one painted by himself when he was still a young man. It is the portrait of a thinker. I cannot imagine him, at any period of his career, as other than a grave, fine-fibered man, dedicated by all the impulses of his nature to ennobling tasks, and absorbed, amid all the materialism and turmoil of our modern life, in

> "High and passionate thoughts,
> To their own music chanted."

"What," asks the reader to whom, perhaps, technique means more than the thing it is used to express, "What has all this to do with Watts's art?" Everything, as it seems to me. He was the one painter of his time in England to whom the *idea* was a controlling force, so saturating his art, in all its relations, that you could not approach him in any of his moods without instantly realizing that he had something to say to you, and that this some-

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thing supplied the picture in question with its chief reason for existing. None of his fellow countrymen, with the possible exception of William Blake, ever conveyed quite the same impression of art surcharged with thought. Men like Leighton, Burne-Jones, Rossetti and Millais seem, beside him, the merest story-tellers. The only point that he ever had in common with them was an inability to acquire complete technical proficiency. In all other respects he occupied a place apart, exercising unique power in the creation of beautiful and significant images, every one of them stamped with the quality of his brain and appealing to us as symbols, not as painted things. His absorption in the idea rather than in the fact is indicated in the description given by one of his biographers, the Rev. Hugh Macmillan, of his method of working:

"He never uses any model to help him; nor does he arrange, as is the manner of the painters, the folds of robes, and the other lay figures and furniture of his pictures beforehand in his studio, to enable him to realize these features more vividly. He paints his pictures entirely, from first to last, from his own imagination, and introduces no copy of any outward object to mar the ideal effect. In this way, the outward representation of his conception is, as it were, of one piece with the inward imagination. . . . He makes no preparatory studies, in whole or in part, of his pictures. He first thinks out the subjects of them in all their details in his own mind: and then directly begins to sketch them out on the canvas, without the intervention of any design between him and them."

Plainly, the artist of whom this was written was as far away from the purely literary atmosphere of the English Pre-Raphaelites, as he was from the strictly technical ideals of those to whom Velasquez and Hals are the only important figures in the history of European painting. Watts stood aside, then, from the prevailing tendencies of modern art. He exhibited at the Royal Academy, of which he was a loyal supporter, but he always seemed a kind of anachronism there, an old master, born out of his time, strayed in amongst the Philistines. The spirit of his work was no more in harmony with that of Burlington House than with that of the Salon. In the old Grosvenor Gallery, and afterwards in the New Gallery, he exhibited under perhaps more congenial conditions, but his work appeared to best advantage in Little Holland House, his own home, to which he gladly admitted the pub-

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lic, or in some such separate arrangement as that which was given to the collection of his portraits and pictures brought to this country and shown at the Metropolitan Museum of Art in 1885. He must be considered largely as an isolated phenomenon, if the true outlines of his artistic character are to be apprehended. There is nothing in his style that can be identified as due to the influence of this or that master. In his youth he had no instruction that amounted to anything, either in the drawing-school of the Royal Academy, which he attended for a time, or in the studio of the sculptor, William Behnes, which he entered as a kind of observer. The Elgin marbles are said to have made a deep impression upon him, but they did not make him a classicist. When he obtained a prize in a public competition with a decorative design, "Caractacus Led in Triumph through the Streets of Rome," and used the money to go to Italy, in the early forties, he stayed there four years without transforming himself into a neo-Italian. Yet, if we are not to make his originality too unnatural a thing, but must link him somewhere with the masters of painting, it is to the great Venetians that I should say he was, in a measure, akin.

He understood and, I believe, loved their language, their large, stately way of putting things, and their heroic but restrained passion. Form, in his eyes, as in theirs, took on a certain grandeur, was marmoreal and even hierophantic. Moreover, for him, as for them, it was of little worth, save in so far as it lent itself to the more nobly dramatic issues of the imaginative world. For the devotional ecstasy and dainty conceits, the classical balance and artless realism of the earlier Florentines he seems to have had less sympathy. His instinctive drift toward the grand style may be pointedly illustrated by an episode dating from before his departure for Italy. He painted then a large canvas, formerly in the possession of the Cosmopolitan Club but now in the Tate Gallery, representing that pitiful hunting scene which brings a fantastic horror into Boccaccio's story of Nastagio degli Onesti, in the fifth day of the Decameron. Now, a Florentine in the *bottega* of Botticelli, possibly Sandro himself, decorated one of four *cassone* panels with the same subject. The picture is in the collection of M. Spiridion at Paris. It is a beautiful example of Tuscan narrative art, naïve but spirited. The scene is realized with almost painful vividness. The naked woman, flying from the

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huntsman, holds, so to say, the centre of the stage, and we are spared nothing of the brutality of the pursuing mastiffs, sinking their teeth in her white flesh. All the details of a tragically interrupted banquet, the guests springing from their chairs, the overturned table, the flying dishes and utensils, are painted with the utmost accuracy, and in the background trees, ships, tents, castles and hills are drawn with loving care. Here, in a word, is a line-for-line illustration to the story. Watts saw the subject as Titian might have seen it. He set the scene in a landscape rendered imposing by a broad view of the open sea, threw the astonished witnesses of the hunt into a group as simple in its masses of form and drapery as it is dramatic in sentiment, and made his hunted woman a type of nameless terror rather than one of physical anguish, gleaming like a phantom beneath the shadow of a foe as mysterious as the knight in the Florentine *cassone* piece is of the earth earthy. It does not matter that the latter is, in its minor way, a little masterpiece, and that the painting by Watts is, in execution, sadly wanting in signs of mastery. The spirit of the thing is what arrests the critic, disclosing to him the majestic pace adopted by Watts even at that early period.

I would like to see the fresco with which he embellished the Villa Careggi, near Florence, where Lord and Lady Holland entertained him in the course of his Italian wanderings. It commemorates the death of a physician who was accused of poisoning his master. The unhappy man was cast into a well. Could Watts have adjusted so violent and even atrocious a theme to the exacting requirements of pictorial art? For my part, I do not believe the task daunted him in the least. He must have found the way out with ease. This, not simply because of that exalted temperament of his, which made it always natural for him to invent gracious and imposing designs to carry his ideas, but because he had, for a man untrained in the schools, an extraordinary command over plastic forms and could, indeed, mould them to his purposes with an authority greater than that of many a skilled Academician. It was not in the subtleties of modelling that he excelled. On the contrary, his surfaces were apt to be coarsely handled; his contours were roughly generalized, rather than exquisitely drawn, and his flesh tints were notoriously muddy. But in the broad massing of forms he was a master; in flinging the sinewy limbs of his men into just the right attitudes, in lending

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to his mighty deep-bosomed women an air like that of Michael Angelo's solemn Amazons, he was not only powerful but fluent. You feel that the man who could treat the human figure in this fashion, nude or draped, had an almost Greek delight, and skill, in solving the most difficult of all artistic problems. Only, for the joy of the Greek in the beauty of form as an end in itself, we have, in Watts, an essentially modern perturbation of soul, a constant concern for the emotions under which these sentient beings, whose bodies he delineates with so facile a hand, may be laboring as he paints them. Nay, they *must* quiver with emotion, else he cannot paint them at all. We have seen how he avoided practical study of the nude, how the Elgin marbles took the place of the living model in his experience. One feels, vaguely, in studying his work, that in his eyes the portrayal of the human form for its own sake must have seemed a kind of sacrilege. No; for him the heroes of mythology or of Scripture, the figures he drew from old or modern literature, and those in which he embodied his own reflections on life and death, were symbols or nothing. This is to be regretted in so far as it placed a drag upon his technical advancement, but it is to be valued, on the other hand, for the stimulus that it must have given to his inventive faculty. Eager to pack his art with meaning, and too original, as he was too lofty of mind, to rely on lifeless accessories for the elucidation of his idea, he made that plastic gift to which I have referred a means to a spiritual end, giving to form an eloquence all his own.

No one in England ever approached him in making a figure thrill with a specific emotion, or in giving it an attitude absolutely expressive of a predominant thought. Across the Channel, there were one or two men who moved on the same high plane; but Puvis de Chavannes, who was greatly his superior as a painter, wanted his weight of line, and was rarely as poignant in emotion as Watts was all the time; while Gustave Moreau, that turbid genius, never had half the Englishman's grasp of a subject. Robbed of their accessories, the pair in Moreau's "Medea and Jason" might stand forth as academic abstractions. With or without their accessories, there is no mistaking the actors in Watts's tragic dramas. Is it the falling lyre in his "Orpheus and Eurydice," or is it the relaxed form of the goddess, the pallor in her face, and the tense alarm visible in the whole frame of the god, that tell us the story? In one version the artist painted of

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this composition, the lyre does not appear at all. What is it that proclaims the stricken lovers, floating like incarnations of dolor in the night across the most touching canvas that Watts ever painted, the Paolo and Francesca of Dante's poem? There is nothing there to trick out the theme and meet the lagging spectator half-way; you do not need to consult a catalogue in the presence of this picture—the figures in it are their own interpreters. Turn from this to some such essay in pretty romanticism as Rossetti's "Paolo and Francesca," and ask yourself what would become of the meaning of that work if the name of Malatesta were eliminated from the window and the book were taken from Paolo's knee. We would have then simply a kiss, exchanged by any lovers in any age. Concentration, simplicity, a faculty for tearing the heart out of a subject and transferring it to canvas intact, these were the salient characteristics of Watts as an imaginative designer, separating him, as by a gulf, from the great horde of modern picture-makers.

Once, in the catalogue to an exhibition of his, he said: "The great majority of these works must be regarded rather as hieroglyphs than anything else, certainly not as more than symbols, which all art was in the beginning, and which everything is that is not directly connected with physical conditions." I dare say that, with this seeming warrant, there will not be wanting expositors, by and by, to tell us all manner of things about what this man of dreams and deep thought put into his pictures. But there does not really seem to be anything very dark about his "hieroglyphs." Take almost any of his pictures, "Charity," "The Throne of Death," "Diana and Endymion," "The Bridge of Life," "Prometheus," "The Death of Abel," "Mammon," "The Minotaur," "Galahad," "Love and Death," and so on through the long list. I do not pretend that every one of them is an open book. But, taking Watts's mythological, allegorical and illustrative designs all together, there is surprisingly little mysticism in them; they are never wilfully obscure; they stand, first and last, for the effort of a noble spirit to comfort and cheer mankind with fine ideas, set forth in direct fashion. Incidentally, the artist—since he is, after all, an artist as well as a teacher—will exert the charm of beautiful form and monumental design. Incidentally, though he has not the gift of color but is, on the contrary, always at odds with his palette, and cannot help leaving his

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tones stringy and impure, without any of the luminosity which one feels the gods ought to have granted him, he will do his best to throw a sensuous glamour over his canvas. But, above all, he will enforce upon you the sublimity of life and death, the magic of poetry, the thought and feeling that make art always, in the last resort, a matter of humanity as well as of paint and brushes.

If these preoccupations of his tell constantly in his pictures, they are hardly less effective in his portraits, which are so clearly works "of the centre," so rich in the qualities of the painter for whom surfaces are only veils but dimly hiding the soul beneath, that they would have given him the rank he enjoyed even if he had never painted anything else. In the "Life of Tennyson" it is recorded that "he once asked Mr. Watts to describe his ideal of what a true portrait-painter should be, and he embalmed the substance of Mr. Watts's reply in some of the noblest lines in the "Idylls." Here are the lines:

> "As when a painter, poring on a face,
> Divinely, through all hindrance, finds the man
> Behind it, and so paints him that his face,
> The shape and color of a mind and life,
> Lives for his children, ever at its best."

It must have been as far back as the fifties that the poet and the painter had their dialogue on this subject, but even earlier Watts had shown that he held the view of portraiture which Tennyson put into verse for him—and lived up to it. The portrait of himself in armor, painted for Lord Holland in his Italian period, is much more than a costume study: the character of the man looks out piercingly from the romantic canvas, and the portraits of political and other notabilities which he drew or painted then and not long after for the same patron, all denote a resolution to grasp the things to which externals are but an index. Fate was kind to him. In Lord Holland's circle he found the most interesting sitters, the Princess Mathilde, Lucien Bonaparte, the Duc d'Aumale, Guizot and Thiers, and many other figures of the great world. He had then a markedly precise method, not inflexible, but still more painstaking than free. Some of these early portraits of his recall the French Academicians of the time; they might have been painted by Flandrin or Delaroche. The savor of formalism in them is in curious contrast to the intellectual vitality they

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possess. Watts was not long, however, in broadening his method, and the tendency in the great mass of portraiture by which he is chiefly known to-day, the fruit of his riper years, is all in the direction of bolder modelling and looser brushwork. He gives a profounder rendering of structure, and envelops it in a richer atmosphere. From the start he seems to have gravitated toward types of mature and brilliant manhood, rather than toward feminine charm. When he did execute portraits of women, he made them, like his portraits of men, studies of character, wasting no time or energy on the pretty effects so dear to the fashionable portrait-painter. One amongst the comparatively small number of these paintings, the famous full length of the Hon. Mrs. Percy Wyndham, is a portrait of the modern *grande dame,* which, for dignity and high-bred sentiment, might stand beside the historic canvases of the Venetian school. A more delicate tribute was never offered by a young painter to a veteran, than the one which Sargent offered to Watts, when he introduced this full length into the background of his celebrated triple portrait of Mrs. Wyndham's daughters, the canvas now popularly known as "The Three Graces." It was the happiest of salutations from a modern to an old master. But, for the fullest measure of Watts's genius as a portrait-painter we must still go to that wonderful array of canvases in which he commemorated the statesmen, poets and other public men of the Victorian era.

He was their "limner in extraordinary," the interpreter of their genius, and, so far as their personalities were concerned, the custodian of their fame. He had it in his hand to send his sitters down to posterity as so many "frail tenements of clay," or as the embodiments of certain qualities of mind or soul; and somehow, in spite of the technical limitations which always hampered him, he followed with remarkable success the course which his idealistic nature inevitably dictated to him. His scope was unbounded, for his sympathy embraced the most diverse types. He portrayed Swinburne and Rossetti as readily as Tennyson or Matthew Arnold, and was no less sure of hand when painting the lean ascetic features of Leslie Stephen than when painting the leonine head of Lord Lawrence. No doubt, it sometimes happened that his sitters did not see themselves as Watts saw them. Carlyle did not like his portrait, and it is said that Cardinal Manning was much distressed when Watts gave him an unduly florid com-

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plexion. He did not realize that his red robes, from which the light was reflected on his face, were responsible for this, and blamed the painter for making him look, as he thought, like a high liver. But the general testimony of those who have known the celebrities painted by Watts, goes to confirm the impression derived by the world at large from the canvases alone—that he had a gift for telling the truth about his sitters. His portraits are in harmony with all that we know of them and of their work. By his grace they will be known in the future precisely as they were, and for precisely what they were. In thus creating permanent memorials of the great Englishmen of his time, he not only put the individual in his debt, but laid the nation under a heavy obligation, and it is perhaps worth while to ask what his countrymen did to show their gratitude.

They praised him without stint. They freely accepted the gifts he made to more than one public institution, his splendid addition to the stores of the National Portrait Gallery being received with positive enthusiasm. Twice a Baronetcy was offered to him—only to be refused on both occasions. Watts had no taste for titles. The most that he would accept from the Government was membership in the Order of Merit established on the coronation of the present King. The Academy was quick to honor itself in honoring him, and he was not without the usual official recognition, both at home and abroad, which an artist of his distinction would be bound to receive. Yet England never gave him the opportunity to paint upon the walls of her public buildings those colossal decorations in which his genius might, perhaps, have found its best outlet. The work he executed for a hall in the Houses of Parliament, early in the fifties, was not followed by similar commissions. The fresco in Lincoln's Inn he executed at his own expense, and when he offered to decorate the interior of Euston Station without charge to the railway company, the directors refused their consent. In short, private individuals were frequently forthcoming to employ his brush, but the managers of the larger enterprises which nominally, at least, stand more or less for a public policy, passed him by. Are the English to be blamed? It is always natural to scorn a nation's neglect of its great men. But to approach this point is to approach the whole question of Watts's standing as an artist, to ask whether he was one of those commanding geniuses who enforce themselves upon their age, or

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one of the less fortunate men in whose characters there are hiatuses, imperfections, limitations, which act forever as bars to the achievement of unquestioned fame. There can be no doubt that Watts belonged to this latter class, and it is juster, I think, frankly to recognize that fact, than to criticise the English for leaving a talent unexploited at their gates.

Great he was, with the greatness of a fine intellect and a pure imagination; his moral fervor reacted upon his work with results that it would be silly to group with those of the ordinary painter of didactic anecdotes, and all through the tangible fabrics of his creating, in the dramatic sweep of his design, and in the nobility of his forms, you discern a beauty that has the accent of greatness upon it. But Watts was not a great *painter;* he did not reach in drawing, modelling, and color the plane of the great masters, and without that uplift he failed, necessarily, to impose himself absolutely upon his generation, to bend his countrymen to his will or to found a school.

ROYAL CORTISSOZ.

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FOUR YEARS OF ANTI-TRUST ACTIVITY: A REVIEW.

BY JAMES WILFORD GARNER.

THE boast of the Republican party in its national platform, that the existing laws for the protection of the public against "vast aggregations of capital" have been "fearlessly enforced" by President Roosevelt, and that, besides, new and valuable supplementary anti-trust legislation has been enacted by Republican Congresses, and the counter-declarations of the Democratic party in its platform, make it worth while to review briefly the important Federal anti-trust legislation and judicial interpretation since the accession of President Roosevelt, with a view to ascertaining what has really been accomplished.

For the first two years of the period under review, little or nothing was done either through legislation or criminal prosecution. It was a period of discussion and recommendation, rather than of action. During the summer of 1902, President Roosevelt made a number of speeches in which he advocated government control of the great corporations which have come to be known as "trusts." As a preliminary step to this end, he urged that the government should exercise its undoubted right to inspect and examine the workings of these combinations. "Publicity," he said, "is the only sure remedy which we can now invoke." In his messages of December, 1901, and 1902, he reiterated and reemphasized this idea. "It can do no harm," he insisted, "to the honest corporation, and we need not be overtender about sparing the dishonest corporation." The President's arguments were reenforced by Attorney-General Knox, who, in his noted speech of October 14th before the Pittsburg Chamber of Commerce, expressed the opinion that corporations engaged in inter-State commerce should be subjected to "visitorial supervision," and that "full and accu-

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rate information as to their operations should be made regularly at reasonable intervals." Mr. Knox also ridiculed the suggestion looking to an amendment of the Federal Constitution by his unanswerable argument that Congress already has sufficient power to deal with the trusts, without further changes in the fundamental law.

Now as to actual results. In the closing session of the Fifty-sixth Congress, a bill, fathered by Mr. Littlefield, of Maine, and embodying the ideas of the administration, was passed by the House four days before the end of the session, and practically without opposition. It was too late, however, for the Senate to take action on it, and the bill failed. The Democrats charged the Republican leaders with merely playing a game for party effect, and asserted that the passage of the bill was purposely delayed until the end of the session with an intention of preventing its enactment into law.

During the first session of the Fifty-seventh Congress, which met in December, 1901, a perfect deluge of anti-trust bills was introduced into both Houses. The purposes of some of these, as indicated in their titles, were: to "suppress trusts," to "regulate trusts," to "suspend duties on articles controlled by trusts," to "enlarge the act of 1890," to "require reports and returns from trusts," to "enforce the laws against trusts," to "prohibit inter-State transportation of trust-made goods," to "tax articles manufactured by trusts," to "apply the bankruptcy laws to trust evils," to "create an anti-trust commission," etc., etc. None of these bills, however, ever reached an advanced position on the calendar and the session ended, like the preceding one, without result.

It remained for the second session of the Fifty-seventh Congress—December 3rd, 1902, to March 4th, 1903—to break all anti-trust records. No less than four acts aimed at the trusts were passed at this session, and became law by the signature of the President. The first of these was an act to enable the Attorney-General to enforce the anti-trust laws, and was something of a surprise, not only to the public, but even to Congress itself. This was because the act was the sudden offspring of Democratic manœuvring, by which the Republicans were caught in a trap and forced to yield. In brief, the history of the bill is as follows: On December 17th, while the legislative, judicial and executive appropriation bill was under consideration, Mr. Bartlett,

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of Georgia, offered an amendment proposing that $250,000 be placed at the disposal of the Attorney-General for the prosecution of violators of the anti-trust statutes. Mr. Bartlett stated as his reason for proposing this amendment the alleged declaration of the Attorney-General that the existing anti-trust laws were quite sufficient, and that only their proper enforcement was needed. He thought, therefore, that Congress should remove every excuse, and place at the Attorney-General's command the necessary means to enable him to enforce the laws properly and strictly. The proposed amendment disconcerted the Republican leaders in the House, and they were afraid to raise a point of order, although the Sundry Civil Bill, which had not then been reported, carried an appropriation for enabling the Attorney-General to enforce the anti-trust statutes. At this juncture, Mr. Cannon came forward and turned the Republican demoralization into victory. He accepted Mr. Bartlett's amendment, but proposed that the amount be increased to $500,000, and that it be made available at once. In this form the bill passed unanimously. It was the first anti-trust legislation in nearly ten years.

At the recent session of Congress, the House, upon motion of John Sharp Williams, adopted a resolution calling upon the Attorney-General to report what use he had made of this fund. Mr. Knox replied that only $25,985 of the amount had been used, most of which had been expended in the prosecution of the Northern Securities Company. The Democrats quickly turned this into political capital, and asserted that with almost unlimited means at his disposal, and with hundreds of trusts flourishing in violation of the law, the Attorney-General would not disturb them. At the recent session, Congress continued the appropriation, authorizing the expenditure of $85,000 for assistant attorneys in special cases.

The second anti-trust measure of the Fifty-seventh Congress was designed to meet the President's recommendation with regard to publicity. Early in the session Mr. Littlefield, who had come to be looked upon as the administration "trust buster" in the House, introduced an elaborate bill, requiring corporations engaged in foreign or inter-State commerce to make detailed returns to the Inter-State Commerce Commission of their business, under heavy penalties, forbidding the granting or acceptance of rebates in the matter of transportation charges, denying to trusts the use of the "facilities or instrumentalities" of inter-State commerce,

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forbidding any common carrier to transport any property produced, manufactured or sold in violation of any of the anti-trust laws, and authorizing the recovery of treble damages in case of injury in consequence of anything done in violation of the act. It was, through and through, a good, stiff, thorough-going measure, no makeshift in any sense. On February 7th, 1903, it passed the House after little discussion by a unanimous vote.

In the Senate the bill encountered opposition from the first, and it was only reported from the Judiciary Committee after a number of important amendments had been added. In the mean time, the bill to create a Department of Commerce and Labor was under discussion, and Senator Nelson, of Minnesota, had drawn attention away from the Littlefield bill, by an amendment which he offered to the Department of Commerce and Labor bill, providing for a bureau of "publicity" in the proposed department. Thereupon, the President abandoned his advocacy of the Littlefield measure, and indicated his preference for the "Nelson Amendment." The Republican leaders in the Senate generally came to prefer the "Nelson Amendment" on account of its less radical character. It was widely reported at the time that the trusts themselves greatly preferred it, and that to insure its passage some of their magnates sent telegrams indiscriminately to Senators urging the Littlefield bill as a better measure. If true, this was a clever move; for, as soon as it appeared from the despatches that the trusts were opposed to the "Nelson Amendment," its passage was made certain. Finally, the Republican leaders professed to entertain doubts as to the constitutionality of the Littlefield bill, and the Attorney-General, who was regarded as an authority on such matters, expressed the opinion that a "coach-and-four could be driven through it endways." Mr. Nelson now offered his amendment as a substitute for the Littlefield bill, and it was accepted by the Senate. The House refusing to concur, the matter was sent to a Conference Committee, and its report substituting the "Nelson Amendment" for the Littlefield bill was adopted by a vote of 252 to 10. Of the ten negative votes, nine were Democrats and one a Republican (Mr. Littlefield). While all the Democrats who were present, except nine, voted for the "Nelson Amendment," because, as they said, the Republicans would offer nothing better, they denounced the measure as a sham and a makeshift—a "travesty on publicity," as one member put it.

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The "Nelson Amendment" created a Bureau of Corporations in the Department of Commerce and Labor, to be presided over by a Commissioner, who is charged with making a diligent investigation into the business of corporations and joint stock companies engaged in foreign and inter-State commerce whenever he has reason to believe that they are violating the anti-trust laws of the United States. He is required to collect and lay before the President such information as will enable him to enforce the laws and make suitable recommendations to Congress. It cannot be denied that, as compared with the Littlefield bill, this is a very lame measure for getting at the trusts, and is likely, as many believe, to prove a disappointment to its authors. At the last session of Congress, a resolution was passed by the House of Representatives requesting the Bureau of Corporations to undertake an investigation of the "beef trust," and in April it was reported that such an investigation was actually under way. It was stated in the press despatches from Washington at the time that this investigation marked the "real beginning of the bureau's anti-trust work." Perhaps, therefore, it is too early to pass judgment on its merits.

A more efficient anti-trust measure was the Elkins Anti-rebate act approved February 19th, 1903. This measure passed the Senate unanimously, without debate or suggestion of amendment and without attracting attention. It passed the House in the same mechanical fashion and by a vote of 250 to 6. The chief purpose of this law is to prevent trust concerns from securing special freight rates from the railroads to the disadvantage of the small shippers. The theory underlying it is that, with equality of advantage as regards transportation facilities, the small or independent producer can prevent the trust from monopolizing the field and thus destroying competition. The act, therefore, forbids the offering as well as the receiving of rebates, punishes every deviation from published rates by a fine—not less than $1000 and not exceeding $20,000,—makes the corporation, as well as its agents, liable to prosecution for violation of the law, and contains detailed provisions for facilitating judicial proceedings under the act.

The necessity for this law was one of long standing. It is a matter of common knowledge that some of the most powerful industrial combinations in the country to-day have attained their

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greatness largely as a result of favored treatment from the railroads. The Elkins act is no makeshift; it is a thorough-going measure, and, if enforced, will destroy a practice which has done much to enable the trusts to crush out their small competitors. Already, since its enactment, no less than fourteen great railroads have been restrained by injunction from granting rebates in violation of the law.

Finally, the anti-trust record of the Fifty-seventh Congress, first session, was completed by the enactment of a law to expedite the hearing and determination of suits arising under anti-trust acts. In brief, the act provides for the removal of trust cases pending in the Circuit Courts to a hearing before a bench of three judges and for carrying appeals from the Circuit Court directly to the Supreme Court. Resort has been had to this law but twice since its enactment.

No anti-trust legislation was enacted at the second session of the Fifty-seventh Congress, although the Democrats made an effort to secure the adoption of an amendment to the naval bill forbidding the Secretary of the Navy from entering into contracts with trusts and unlawful combinations. Mr. Williams in his speech, as temporary chairman of the St. Louis Convention, asserted that all the Republican members of the House, with three exceptions, voted against the proposition. One of the planks of the Democratic national platform condemns the "action of the Republican party in Congress in refusing to prohibit an Executive Department from entering into contracts with convicted trusts or unlawful combinations in restraint of inter-State trade." There are other planks denouncing trusts and rebates, and demanding an enlargement of the inter-State commerce law and the enactment of legislation along the lines of the Littlefield bill; but, strangely enough, the Republicans in Congress are directly arraigned only for the offence of refusing to prohibit the Secretary of the Navy from entering into contracts with combinations in restraint of trade.

Turning now from the activity of Congress to that of the courts, we find that the first two years of the period under review were practically barren of results. The first instance of an anti-trust prosecution during the period under review was in May, 1903, when the government obtained an injunction from the United States Circuit Court at Chicago restraining the so-called "beef

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trust" from continuing its conspiracy in violation of the Sherman act. The defendants were specifically charged with directing their purchasing agents to refrain from bidding against each other; with bidding up temporarily to induce large shipments and then ceasing to bid in order to obtain the stock thus shipped at low prices; with agreeing among themselves upon prices, and with making agreements with transportation companies for rebates and other discriminative rates. Judge Grosscup held that these averments were sustained by the evidence and the injunction was issued. The case was appealed to the Supreme Court, before which it is now pending. In the mean time, the "publicity" bureau of the Department of Commerce and Labor is making its investigation of the operations of the "beef trust" and, it is hoped, will gather information sufficient to establish the government's case before the Supreme Court.

As already stated, railroad injunction suits are now proceeding in equity under the Anti-trust act against fourteen railroad corporations, of which eight are pending in the Circuit Court for the Western District of Missouri, and six before the Circuit Court for the Northern District of Illinois. The Attorney-General states that the object of these suits is to break up an unlawful combination between the railroad companies and certain favored shippers, whereby the latter were granted rebates or concessions from the published rates of the railroads for carrying grain and other products from one State to another. Other cases proceeding under the anti-trust act are the Jacksonville (Florida) Wholesale Grocers' Association, instituted for the purpose of dissolving a "combination of wholesale grocers;" the "cotton traffic pool cases" against the Western and Atlantic Railway Company, and a case against the Nashville, Chattanooga and St. Louis Railway Company, to restrain it from charging higher rates for short hauls than for long hauls. By a decision of the United States Circuit Court for the District of California, rendered in May, 1903, the Federal Salt Company and its associates were fined and enjoined from continuing their combination in violation of the Sherman act. By a decision of the United States Circuit Court of Appeals, sitting at Cincinnati, in December, 1903, the city of Atlanta was awarded treble damages against the "Pipe-Trust," in consequence of having been charged excessive prices for sewer-pipe. It was shown that the several constituent companies of the

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trust, while making a show of bidding for the contract to supply the pipe, had in fact agreed among themselves that the Anniston, Alabama, branch of the combination should get the contract. At the recent term of the Supreme Court, several important anti-trust decisions were rendered. The first of these in chronological order was that of Montague *vs.* Lowry, decided on February 23rd of this year. Here an association had been formed of certain Eastern manufacturers of tile, mantels and grates, and of certain dealers in these articles in San Francisco and vicinity, and an agreement had been entered into among them by which the dealers agreed not to purchase from any manufacturer not a member, nor sell unset tile to any outsider except at prices fifty per cent. higher than those charged to members; while the manufacturers, on their part, agreed not to sell to any dealers not members. Both the Circuit Court and the Circuit Court of Appeals held that this association was a combination in restraint of trade among the States, and the Supreme Court unanimously affirmed the opinion. The penalties prescribed by the Sherman act were duly inflicted on the defendants.

A decision which has attracted wide attention, but which did not arise under the Sherman act, was that in the Inter-State Commerce Commission *vs.* Baird, commonly known as the "Anthracite-coal-carrying railroads case. This suit decided on April 4th of the present year grew out of a complaint made by Mr. W. R. Hearst against ten railroad companies engaged in carrying coal in the States of Pennsylvania, Maryland and West Virginia. He complained that the roads were charging unreasonable and discriminating rates, to the undue disadvantage of those consumers and producers of coal who were not common carriers, in violation of the Inter-State Commerce Act, and that six of the defendant railroads, natural competitors in the business of carrying anthracite coal from the regions of Pennsylvania to tide-water, were engaged in pooling their freight earnings and traffic also in violation of the Inter-State Commerce Act. In the course of the hearing before the commission, some of the witnesses refused to produce their contracts and to answer certain questions which were considered germane to the inquiry; whereupon the Attorney-General directed that proceedings be instituted in the United States Circuit Court in New York for the purpose of compelling the defendant companies to produce the papers de-

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sired and answer the questions put to them. The Circuit Court decided against the right of the commission in the premises, whereupon an appeal was taken direct to the United States Supreme Court in pursuance of the act of February 9th, 1903, for expediting the prosecution of anti-trust suits. The Supreme Court overruled the decision of the Circuit Court, and sustained the right of the commission to compel the production of such testimony as might be deemed necessary to enable it to investigate the conditions under which inter-State traffic is carried on. Of course, no opinion on the merits of Mr. Hearst's charges was expressed. The decision is a substantial victory for "publicity"; and, besides strengthening the power of the Inter-State Commerce Commission, will incidentally strengthen the hands of the Bureau of Corporations. The coal trusts, and all others as well, may now be compelled to reveal whatever information of relevancy that the government may desire with regard to their operations.

Two weeks after the decision of the Supreme Court in this case, Mr. Williams, the minority leader in the House, secured the adoption of a resolution calling upon the Attorney-General to state whether the Department of Justice had ever undertaken any investigation of the so-called coal-trust-carrying railroads. Mr. Knox replied that such an investigation had been begun during the strike of 1902; but that it had not proceeded far before it was discovered that, if a combination existed, the evidence of its existence had been adroitly concealed. In view of the fact, therefore, that the Department of Justice possessed no power to compel the production of books and papers, or to examine witnesses under oath, he suggested that the Inter-State Commerce Commission should make a general investigation. Mr. Knox then recited the facts concerning the history of the investigation, ending with the decision of the Supreme Court alluded to above, and he concluded his reply as follows: "Further than this I do not deem it compatible with the public interest to comply with the resolution." The Democrats endeavored to make political capital out of the refusal of the Attorney-General to make a further disclosure of the proceedings of the Department of Justice with regard to the coal trust; and Mr. Williams, in his speech as temporary chairman of the St. Louis Convention, severely denounced the action of the Attorney-General and charged him with equivocation and indifference toward the coal trust. But to the

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impartial student, Mr. Knox's communication appears highly creditable and convincing. It showed that his department had acted with energy, determination and success in its dealings with the coal trust.

Our review of the record of judicial activity concerning the trust question must end with a brief statement of the Northern Securities Case, finally disposed of by the Supreme Court in March of the present year. Here two great railroad systems, the Great Northern and the Northern Pacific, forming substantially parallel and competing lines extending from Lake Superior to the Pacific Ocean, with an aggregate length of ten thousand miles, having attempted to effect a consolidation and being thwarted by the action of the courts, conceived the idea of accomplishing the same end indirectly by placing the stock of the two roads in the hands of a holding company. Accordingly, a corporation of this character was organized under the laws of New Jersey; and to it the stock of the two roads was transferred in return for its own stock upon an agreed basis of exchange. The practical effect was to place the control of both roads in the hands of a single corporation and to substitute for two distinct sets of stockholders, with rival and competing interests, one set of stockholders with common interests. A multitude of suits was at once instituted against the "Merger"; and in due course of time one of them reached the United States Supreme Court, where a decision was rendered on March 14th of this year. The contention of the defendants was that there had been no intention on their part to monopolize trade among the States, but, instead, their purpose had been to create a vast trade with the Far West and with the Orient—to do which they must protect their Northern Pacific line from the hostile "raids" of those in control of the Union Pacific road. In support of their contention, they showed that the "Merger" had been followed by a large extension of American trade with the Orient, and that a considerable reduction in transportation rates had likewise resulted, as an example of which it was asserted that flour was being transported from points in the Mississippi valley to China, a distance of 8,000 miles, at the rate of eighty cents per barrel. Moreover, the defendants contended that the Northern Securities Company was only an investment Company, not engaged in the business of railroad transportation, and, consequently, that it did not possess the power to suppress competition, and that, even if

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it did possess that power, it did not follow that the power would be exercised. It was insisted, furthermore, that Congress had no power to control the acquisition and ownership of stock in State corporations, and that the Sherman act, being a criminal statute, should be strictly construed and applied only to *unreasonable* restraints, not to such as were never objectionable at common law.

The Court, however, decided that most of the contentions of the defendants were immaterial to the decision, and that the others were untenable. It held that there was no distinction, in the present case at least, between the possession of power and the exercise of power; it declared that the question of whether the Sherman act applied only to unreasonable restraints had already become *res adjudicata* by previous decisions of the Court; and it asserted that the Northern Securities Company was merely a contrivance for effecting indirectly a purpose which could not be accomplished directly. With regard to their contention that the fundamental question involved was whether Congress had the power to regulate the acquisition, ownership and transfer of stock in State corporations, the Court undertook to show that such a statement of the issue was wholly misleading and unwarranted, and that it was merely setting up men of straw to be easily stricken down. The decree of the Court did not, as is often asserted, dissolve the Northern Securities Company, but merely enjoined it from voting the stock of the two roads, or from exercising any control over them.

According to the plan adopted by the directors for returning to the shareholders the stock given by them for Securities stock, each shareholder was given back, not his original stock in one road, but a proportionate amount of stock in both roads. The Harriman or Union Pacific holders protested against this method, since it would give them a joint interest in both roads instead of a controlling interest in the Northern Pacific, as they would have if each shareholder were given back his original stock. They went into the Federal Courts in Minnesota and the State Courts of New Jersey and made a determined fight against the Hill-Morgan method of redistribution, but they were beaten. They then betook themselves to the United States Circuit Court for New Jersey, and the case is now pending before that Court. The refusal of the courts to interfere with the *pro rata* method of redistributing the stock leaves the Northern Pacific road in

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the hands of Mr. Hill and his friends, who also control the Great Northern.

It thus happens that, although the Northern Securities Company has been suppressed through the activity of the Attorney-General, the "community of interest" arrangement, which the Securities Company was designed to protect, still endures. On the other hand, if the Federal Court at Trenton should order the other method of redistribution, Mr. Harriman and his friends, who already control the Union Pacific, will gain control of the Northern Pacific, a parallel and competing line. It is doubtful, therefore, if the suppression of the Securities Company has availed anything after all. The reputed dictum of a Western jurist, that "this thing called a 'merger' will survive any law suit," is by no means without a modicum of truth.

Two other observations remain to be made on the Northern Securities decision. One is that the Court seems to lean toward the view that the application of the Sherman act should not be extended to *reasonable* restraints, or such as were never objectionable at common law. Justice Brewer's dissent on this point indicates that the majority of the Court have about come around to this more sensible view; but, as the other interpretation still stands as the law, Congress should amend the act so as to restrict its application. Reference to the debates shows unmistakably that those who had most to do with the framing of the law understood that it merely cast into statutory form the old doctrine of the common law relating to restraints of trade. As now interpreted, the law is too sweeping and is likely, if rigidly enforced, to work injury to legitimate business interests. At the last session of Congress, Senator Foraker undertook to have the act amended in this particular, but the proposition did not meet the approval of the administration, and was accordingly dropped.

The other query raised, is, whether the act was intended to apply to railroad "mergers," since, at the time of the enactment of the law, Congress well knew that the greater part of the railway system of the country rested upon such combinations, either expressly authorized or tacitly permitted by the States. If, therefore, Congress had intended to declare such arrangements illegal and the State legislation authorizing them unconstitutional, would it not have so declared in more specific language than is employed in the Sherman act? It is estimated that eighty-five per cent. of

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the railway mileage of the United States is now being operated in violation of the Sherman act as at present interpreted, some of the "mergers" having taken place since the passage of the law, others before; yet none of them, except this one, has been disturbed by the government. The defendants in the Northern Securities case contended, throughout the prosecution, that it was unjust to single them out for punishment, while others were allowed to go free. Mr. Knox says that the government refused to give any heed to this contention; and the day following the announcement of the decision of the Supreme Court, he issued a statement giving the comforting assurance to the other "mergers" that they would not be disturbed. Having suppressed this one, he said, the government did not propose to run amuck.

The failure of the Attorney-General to prosecute those concerned in the Northern Securities "conspiracy" is another feature of the case that has been the subject of comment. The House of Representatives, a few weeks after the announcement of the final decision, passed a resolution calling upon him to state whether any criminal prosecutions had been instituted. He replied that there had not been, and further than that he did not deem it compatible with the public interest to comply with the resolution. He doubtless felt that the government, having vindicated the law, could afford to waive further punishment. But the Democrats criticised him for his leniency, and insisted that he should have seen to it that the penalties prescribed by the Sherman act were inflicted on those found guilty of violating that act.

Such, in brief, is the record. It includes four acts of Congress, various resolutions and not less than twenty judicial decisions. The majority, of course, will claim whatever credit may be due for what has been done. But the fact is, the minority party is entitled to share the honors. One of the four acts of Congress was conceived by a Democrat, and its passage was forced as a result of Democratic manœuvring. For each of the other three the Democrats voted with practical unanimity, after vainly trying to secure the adoption of amendments, some of which would have added much to the efficiency of the measures finally passed. Of the judicial decisions all were adverse to the defendant trusts, although, in a number of the cases decided, final hearings are yet to be had. All in all, encouraging progress has been made.

JAMES WILFORD GARNER.

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THE EDUCATED AMERICAN DRUDGE.

BY ELIZABETH BANKS, AUTHOR OF "THE AUTOBIOGRAPHY OF A NEWSPAPER GIRL."

"Toy!" "Beautiful Tyrant!" "Queen—with Man her willing slave!" It is by such names that the American woman is known abroad, especially in England.

The American man, engrossed in business, turned into a mere money-grubber for the benefit of his womankind, while she shines in society, travels in Europe and pursues the Cult of Culture—this is the picture of American life most frequently presented to the English people. They judge by what they see abroad, by the average travelling specimens. They have no other means of judging, since comparatively few English people come to the United States. When compared with these few English who come to America, the number of American women travelling abroad seems very large indeed. Yet, if these latter are compared with those American women who remain always in their own country, the number of the travellers is infinitesimally small.

While the American Toy, the American Tyrant and the American Queen sip ice-cream sodas through a straw in the Cecil courtyards, and make the welkins of the American Quick Lunch Restaurant in the Strand ring with their shrill orders for terrapin and soft-shell crabs, the American Drudge stays at home and keeps her house, and *she* is far more typically American. But the English people do not know her. As I have said, they judge by what they see abroad, not by a close study of American life in this American land, and they think the picture a realistic one, and so they talk and write of the American Type.

Having, during the past eleven years, resided in England, and having become, to a certain extent, English in my point of view of many matters, I have found myself, from time to time, think-

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ing of my countrywomen as I have discovered them abroad, not as I left them at home in what seemed to me the very long ago.

I am of the Middle West; and, to be sure, once in a while there seemed to come to me a faint recollection of the sound of the scrubbing-brush, the rattle of the dish-pan, the swishing of brooms and dusters. They seemed to be in connection not with "the very poor," nor yet with the Western "hired girl," but with my old friends of earlier associations. There were visions of tired, worn faces, bent backs. The visions grieved and pained me; yet, being but faint ones, they did not affect me deeply, nor abide with me long. Sometimes I thought of our country parson's wife, who did all her housework, including the ironing of the parson's white neck-ties; took care of her three children; led the young people's meeting; presided every Sunday at the church organ; taught a Sunday-school class; looked after the sewing-circle; gave her children lessons in drawing and music; made her own and her children's clothes; and, from out of the multiplicity of all her other duties as housekeeper, mother and parson's wife, snatched a few minutes' time every day in which to keep up her German by reading a bit of Goethe or Schiller.

I was talking about her one day to an English clergyman, the editor of a prominent magazine, and he exclaimed:

"How very extraordinary! And may I ask if she was what in England we should call a 'gentlewoman'?"

"Oh yes," I answered. "She was the daughter of a lawyer. She was a graduate of Oberlin, and a woman whose surroundings were always of the most refined and intellectual."

"Dear, dear!" exclaimed he. "What a character for a study and a story! But in England nobody would believe her to be taken from life. We have poor clergymen here, very poor ones; but they always manage to keep a servant and a nurse. It is very pathetic, very pathetic!"

I, too, thought it "very pathetic," also "very extraordinary." I made myself believe that our parson's wife was different from all other parsons' wives. That the woman was average, or typical, I certainly should have denied.

And one day, a few months later, I received a letter from an old college mate, who, since I had seen her, had married, moved to a large Western town, and had three children. Apologizing for not having answered my letter long before, she said:

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"My dear, you must not expect me to write to you often, for I am a busy Martha, as you would understand if you were not a literary bachelor woman. Of course, I keep up with my Latin, and I am refreshing my mind in regard to Botany, for my little girl is interested in it. But my time is quite full, what with the housework, the baking and mending, the making of all our clothes, and then I have my church and club and charity work. But I have a good washerwoman, so that I have only the ironing to do now."

An English friend was calling on me when I received the letter; and, feeling somewhat proud of what to me seemed the wonderful accomplishments of my old schoolmate, I read this part of the letter aloud to him.

"A college woman, did you say?" he said, looking bewildered.

"Yes," I answered, "one of the most brilliant minds I have ever known."

"I suppose she made an unfortunate marriage; perhaps she did not marry a gentleman; or perhaps they have become very poor? In that case, it is very remarkable, yet very fortunate, that she is thus able to help him on his feet again."

I explained that the girl had married a "gentleman," and that he belonged to what in England is known as the "professional class." Also, that they had not become "very poor"—quite the contrary. They were improving in their circumstances every year. Had she not said that *now* she had a washerwoman, implying that she had not always had one?

"You mean that a college woman began that sort of thing as soon as she was married—that she married expecting to do it?" he exclaimed. When I replied that I thought that was the case, his reply was:

"Of course, it is out of the ordinary, else it would do away with one's preconceived notions of the American man's treatment of his wife. But I assure you that it would be impossible to find in England a gentleman who would allow his wife to become a household drudge!"

I agreed with the Englishman that it was "out of the ordinary." I believed that I had an exceptional college friend, as well as having had an exceptional parson's wife; and then I returned to my native land, and, travelling in the Middle West and the Far West, I have had my mind disabused. The cases were

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not unique. I have found them very common, so common that I would almost call them typical of a large majority of educated American married women in certain sections of the United States. Asked how these women have impressed me on my return to my own country, after more than a decade of wandering, I should unhesitatingly say: "They are household drudges."

Were I a painter, and did I wish to depict on canvas the typical American Wife, I should put a calico dress upon her, tie a gingham apron round her waist, and paint her with an intellectual face, all eager, searching—searching for dust.

"Being so British, you will like to see these," said a college woman to me a month or two ago when I was calling on her. She opened a parcel of a half-dozen Irish linen housemaids' aprons, with huge pockets and strapped bibs. "They are from Belfast. A friend brought them to me."

"What are they for?" I asked.

"For afternoons," she answered. "In the morning I wear the gingham ones, but there is always something to do."

Always something to do! It is well for every woman that she should have always something to do, but the something should not always require an apron.

Throughout the West, I met the Educated American Drudge in her hundreds. At times she seemed, in part, to realize what she was. At other times she seemed to live and work all unconscious of the depth of drudgery to which she had descended, especially if her husband helped her to beat the carpets, and hung up the clothes-line on a Monday morning before he went to business. For the Drudge's husband is "handy about the house."

The Educated Drudge does not have a large family. Her limit is three children. The average is two; indeed, statistics will probably show it to be but one and a half. It was at her, at least in part, that President Roosevelt levelled his accusation of contributing to Race Suicide, and thereby helping on the Survival of the Unfit.

It is true that the Educated Drudge has not done all that Nature, perhaps, intended and fitted her to do, in the way of increasing and multiplying after her kind and replenishing that part of the earth which she inhabits.

It is also true that in no country in the world, except the United States, will one find a woman in checked gingham apron

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presiding at the wash-tub and stopping, between rubs, to go into the parlor to help her only little daughter over a difficult part of Schubert or Wagner at the piano! In no other country will one find a wife washing dishes, cooking, sweeping, dusting, scrubbing, putting patch upon patch and darn upon darn for ten hours during the day, then spending her evenings helping her two children with their lessons in Geometry and Physics.

And in no other country, except among the peasantry, will one find the mother of a three weeks' old infant doing her own housework and taking care of her child besides!

Of real rest, the woman has none. If she snatches an hour off from housework to don the pretty gown she has made for herself, and go to her club to listen to a paper on "The Duties of a Wife" or "Model Motherhood," the rush to get there and the rush to get back, "in time to have dinner on the table," adds to her weariness. If, instead of going out, she lies down in her bedroom for an afternoon nap, she hears piercing little cries of "Ma, where's my pants—the striped ones?" "Oh, mamma, help me to trim my dollie's hat!"

Drudge in the kitchen, she is also slave to her children, and up to the time which would seem to an English person a very mature age indeed, they occupy cots at night in the family bedroom, so that she may "keep the covers on them" and be sure that "nothing happens."

At first one is filled with pity, and then one is lost in admiration of the Educated American Drudge. In spite of the odds against her, she has so far held her own. That she has not degenerated is the wonder of the age. That part of the country which has produced women capable of taking their hands from the washboard to guide their children's fingers over the piano keys or add a finishing touch to a bit of charcoal-drawing, will surely one day produce something very magnificent, or something very terrible, in the way of a Woman.

A multiplicity of causes has contributed to the production of the present type, chief among which has been, during the past quarter of a century, the over-education of the Western women and the under-education of the men, which has brought about a large amount of mismating. Praise as we may the American system of "giving the first chance to the girls" and letting the boys, if need be, saw wood, we must admit, if we are honest, that

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it has its disadvantages. It produces what, for want of a better term, we may call "two-thousand-dollar women," who, if they marry at all, must content themselves with marrying "one-thousand-dollar men," with the net result of household drudgery for the women. Let the thousand-dollar man be as "handy" as he may, and kind, as he usually is, he remains unobservant and obtuse. His obtuseness in the first place prevents his seeing the incongruity of the match he asks the woman to make; and, in the years that follow, he fails to observe the fact that she *is* a drudge; he fails to note that at thirty-five she looks forty-five, and at forty-five she is worn out and broken down.

And there seems to be in the American woman herself a natural tendency, a willingness—one might almost say anxiety—to be a drudge. Give her a servant, or two servants, and she remains Drudge-in-Chief. There is about her a certain primitiveness, a harking back to Puritan ancestors, that makes it difficult for her to learn that even a married woman may, under certain circumstances, have some higher duties than the "seeing to" her husband's dinner and the suckling of her child. Take her out of college and put her in a home, and it is difficult to convince her that the concentration of all her energies upon the elimination of a speck of dust is a bit of foolishness.

Given the same circumstances, the same surroundings and the same *apparent* necessity that have contributed to the making of the household drudge, as I have found her in the West, and I believe there is but one part of the United States where the Drudge would not become the real American Type, and that is in the South.

Outside the Southern States, the typical American woman is too solicitous a housewife, too anxious a housekeeper, altogether too much of a Martha, too contented a drudge. How she shall be freed is a question. Perhaps with the solution of the Domestic Service Problem, if it ever comes, will come her deliverance from drudgery.

ELIZABETH BANKS.

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WORKING-MEN'S INSURANCE IN GERMANY.

BY DR. FRITZ KESTNER, OF THE IMPERIAL GERMAN COMMISSION TO THE INTERNATIONAL EXPOSITION AT ST. LOUIS.

THE life of the modern industrial nations is fraught with social problems, one of the most difficult of which is the position of the industrial wage-worker. The only salable thing which the laborer possesses is his work; when he loses his working capacity he has lost everything. Therefore, it is even more necessary that the workman should be insured against the consequence of that loss than that the merchant should insure his goods.

It may be said that the working-man can save, as do other private citizens, and thus insure himself against the vicissitudes of life; but to save only a little from a small income is extremely difficult, and, in fact, experience has shown that only a small part of the laboring population of all countries provides for insurance spontaneously. An organization of workmen, a union, could certainly undertake the insurance of its members, and, indeed, some of the English trade-unions insure their members against sickness and invalidity; but a union is also a fighting organization, and it might easily happen that the amounts paid in by the working-men against the contingency of sickness would be used up during a strike. Moreover, from an ethical point of view, it appears to be unfair that the working-man should bear exclusively the risk involved in the danger of his avocation; the employer, to whom the factory belongs, and the community, which has the greatest interest in the welfare of the working population, should bear part of this burden. It is by no means sufficient that the Government institute a system for the care of the poor; for to depend upon charity demoralizes the workman.

In view of this fact, the Government in Germany has undertaken the task of regulating Working-men's Insurance by pro-

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visions of law. The result is that in Germany 10,500,000 working-men and women are insured against sickness, 17,500,000 against accident and 13,500,000 against invalidity.

Labor questions are, really, however, international in their nature; just as no State is able to regulate its commerce and traffic without paying regard to other States, so it is with the labor question. International agreements are in progress for the protection of working-men. The question is whether this course would be likewise practicable in relation to the insurance of working-men. It was this consideration which led the German Imperial Government to institute, at the World's Fair in St. Louis, a comprehensive and thorough representation of the character and the organization of the German Working-men's Insurance.*

The fundamental principles underlying this working-men's insurance are, in short, as follows:

1. Insurance against accidents. Every person engaged in industry or agriculture, as a laborer, is insured against accidents met with in the pursuit of his business, provided that he has not caused such accidents by his own gross carelessness. The insured person, when injured, receives medical treatment free of charge; he will be, if possible, restored to health, and in the meantime he, as well as his family, will be supported. Should recovery be impossible, he will enjoy a pension so long as his working capacity remains impaired,—if necessary, to the end of his life. This pension, without exception, is so fixed that it will afford him two-thirds of the amount he could earn as a healthy person. A special system has been developed, based on experience, to determine to what degree the wage-earning capacity will be affected by the loss of a certain limb: for instance, the right thumb. The organization of this accident insurance is exclusively in the hands of the employers, upon whom alone, likewise, devolves the burden of the institution. It is a liberal principle of German law that whoever gives the occasion for a certain endangerment will also

* In the Building of Education and Social Economy an exposition of books, tables, photographs and statistics has been installed, wherefrom the student of these questions may derive rich material. To make this accessible to larger circles, five pamphlets were written by prominent experts, especially for the World's Fair, conveying a good and, notwithstanding the concise form, a thorough knowledge of the system. These pamphlets will be sent on request, free of charge, from the Office of the German Imperial Commissioner, Mr. Lewald, 4936 Lindell Boulevard, St. Louis, Mo.

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be liable for damage resulting therefrom. To lighten the burden of the individual employer, however, self-administering bodies have been created, "*Berufsgenossenschaften,*" comprising all employers of a certain branch of industry in a certain district, subject to insurance; for instance, all ironworks of the Rhenish Westphalian Industry District have formed one of these *Berufsgenossenschaften.* These associations fix the amounts required for the settlement of insurance claims, and assess them at the end of the year upon the individual employers.

The amounts raised in this manner by the employers are enormous. In 1902, they paid about $30,000,000 for the indemnification of 120,000 cases of accident, about $20,000,000 accident pension, and $5,000,000 to the survivors of victims of accidents.

2. Insurance against sickness. The insurance against sickness guarantees to the members insured medical treatment at home, or at a hospital, free of charge, the supply of medicine and, moreover, a sick-benefit for the support of the member insured and his family during the time of sickness. In many cases, also, women lying-in receive assistance before and after delivery. Such assistance is given for not more than six months. After that the person concerned will be transferred to the Invalidity Insurance. The insured under this head comprise all industrial laborers, likewise servants; agricultural laborers are taken care of in another manner.

While for Accident Insurance the means are raised exclusively by the employers, here the employee contributes two-thirds, the employer one-third. These contributions are paid in weekly instalments—immediately upon the payment of wages, as a rule. The administration is managed by the Sick Funds *(Krankenkassen).* The working-men of a certain factory, or, as a rule, of a certain place, belong to such a Sick Fund. The greatest local Sick Fund, the one in Leipzig, comprises 124,000 members.

3. Insurance against Invalidity. The third and most difficult institution is the insurance against infirmity arising from old age or invalidity, a specifically German institution.

Every member insured who has become invalid without his own fault, or who has completed his seventieth year, so that he no longer possesses his full working capacity, receives a cash pension proportional to the dues which he has paid, the dues, again, being regulated in proportion to the wages received by the workmen. The wage-worker who has been well paid, therefore, receives a

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higher invalidity pension than his brother who earned lower wages, because the latter is used to a cheaper manner of living. Moreover, such pension increases with the number of years the member has paid his dues. This pension is never so high that it can support a person comfortably. Consequently, everybody in a morally sound nation will prefer working to simulating invalidity. What the insurance aims at, and really achieves, is to guarantee the workman a living. Everybody may tranquilly say unto himself: "The community will not allow you to starve when you are sick and old."

To administer this insurance, vast means and a comprehensive organization are required, for 490,000 Invalidity Pensions and 180,000 Old-Age Pensions are paid out annually. The means are raised by weekly contributions of the employers and employees, each paying one-half. The Empire pays an annual additional supplement of $12 on each pension. The disbursement of the pensions is effected by mail. For the administration, in some districts, special institutions *(Landes-Versicherungs-Anstalten)* have been constituted. In 1902, employers and employees raised $17,000,000 each, in addition to which the Empire paid a subsidy of $10,000,000. In 1901, approximately $100,000,000 was paid to the insured in three branches of insurance; in the decennium of its existence the insurance paid amounted to about $800,000,000.

Besides the administrative organization, there exists for all branches of workmen's insurance a juridical organization. As the pensions and indemnifications are in no sense pauper assistance, but legal claims that may be collected by procedure at law, the existence of a special course of jurisdiction is a necessity. It would lead too far to discuss these institutions: suffice it to state that, as a rule, three instances exist, whereof the first fixes the amount of the rent, the second examines the same in its actual and legal features, and the third and highest is competent for the final legal decision. This third and highest instance is the German Imperial Insurance Office in Berlin, under President Gaebel, at the same time an administrative body and a court of justice.

The organization of the Workmen's Insurance, as a whole, may be characterized as the exercise of social self-help, organized on the basis of regulations bearing the character of public law. It is not, as often erroneously thought abroad, an insurance by the State, but an insurance by the interested parties themselves, through the medium of vital corporations which are standing be-

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tween State and individual, and which are charged with the execution of the insurance.

But as is often the case with brilliant creations, results are hereby secured which originally were not considered at all, but which more than anything else illustrate the great importance of the institutions.

In the first place, accident insurance has led to a thorough improvement of measures for the prevention of accidents, and to the elaboration of careful regulations concerning such precautionary measures. While this may be taken for granted, the working-man has not become more careless, as accident insurance will compensate him only for a part of his wages; the employers have become more provident, and likewise more zealous and conscientious in the application of preventive measures. Not only the individual employer now has an interest in this matter, but also all employers of the *Berufsgenossenschaft* participating in the burden. This *Berufsgenossenschaft,* therefore, supervises the establishments of its members through special officials, and has the right to impose fines for neglect of their rules. Moreover, when many accidents happen in a particular branch of business the *Berufsgenossenschaft* will declare the same to be dangerous, and will levy higher dues for the coming year on members engaged in it. As a result of this insurance, a special highly developed technique for the prevention of accidents has arisen which intends to apply to the machinery contrivances for the protection of the working-men operating such machinery, to improve the ventilation of the factory rooms, to remove all obnoxious gases and, generally, to improve the hygienic conditions. Prizes are awarded for the invention of such constructions, lectures concerning these matters are delivered, numerous technical books and magazines take up this question. So it is a fact that accidents are on the decrease, notwithstanding the growing industrialization of the country.

The insurance against sickness has brought about an essential improvement of the national health. By consulting the physician in time a great number of diseases may be suppressed in the incipient stage, which if neglected would later on prove disastrous. The working-man who heretofore for the sake of economy hesitated to call in a physician, now will consult him at once, since he receives his advice free of charge.

In this manner many cases of grave sickness are avoided. In

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conjunction with other sanitary measures, the erection of convalescent homes, the spreading of popular information concerning diseases, this system has effected a considerable reduction of the mortality rate in Germany.

The great accumulation of funds serves for purposes conducing to the public welfare. The amounts disbursed as dividends to the stockholders in private insurance, the reserve funds, and funds that in other insurance are invested in securities, may here be used for sanitariums, working-men's dwellings, public libraries and similar improvements.

The capital of the Workingmen's Insurance amounts to $300,000,000, an amount never at the disposal of an individual for charitable purposes.

Besides these material advantages, others of a spiritual character are to be appreciated. In the different instances and administrative bodies, the working-man participates in the administration, while otherwise, on account of his insufficient training and lack of means, he would have no opportunity for such matters. So engaged, he learns to appreciate and master the peculiar difficulties inherent in large administrative bodies—certainly a good school for his duties as a citizen.

Finally, we should not under-estimate the enormous enrichment of our knowledge of social and economical processes through this system. In no country have the statistics concerning accident, sickness and wages been perfected to such a degree.

Even the German system of Workmen's Insurance is not without defects. Up to this time, only the survivors of persons killed by accident are indemnified. Now the principal endeavor in this line is to extend such insurance to the wives and children of all working-men in case of the death of the father of the family. It will probably be only a few years until this insurance of widows and orphans is an enforced law. Even then the great problem of insurance against lack of employment remains to be solved. Whether the state could enact such insurance, or this should rather be left to the working-men's organizations, is an open question.

Opposition of various kinds had to be overcome before this organization was effected in Germany. The Radicals, for instance, were afraid that the unions would suffer irreparable injury, should this important function of providing for the working-men be taken away from them. But to the union, in the meantime, is

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left the protection of the working-man against lack of employment; and, in fact, these organizations have enjoyed continuous and progressive development in Germany. Another objection was that the economy of the individual would decrease, but never have the deposits in the savings-banks shown such an upward tendency as in the last years. The employers anticipated that, by this encumbrance, they would be handicapped in their competition with foreign countries, but never has German industry enjoyed such prosperity as since the introduction of the insurance. This certainly means a burden for the individual employer, but this encumbrance is counterbalanced, nay, by far outweighed, by the advantages which accrue to the community.

As a recently deceased German author and patriot wrote in his last work, dedicated to the United States of America: "The palm of victory will be secured in the end by the nation possessed of the largest reserve of national health and power."

The German Workmen's Insurance has stood the test of probation in Germany. While the first law was passed by an insignificant majority, the passage of the last was effected by an almost unanimous vote.

Foreign countries are beginning to imitate this system. And now this is one of the most important questions: Could a similar system of insurance be adopted by the United States? One of the greatest German experts, the former president of the German Imperial Insurance Office, Mr. Boediker, stated on June 20th, 1902, at the International Congress for Working-men's Insurance at Düsseldorf, with reference to America:

"I am convinced that, if the idea once gains a footing in America, the Americans will cultivate the soil with the expenditure of money and energy customary with them. We see how the Americans accept European ideas on land and on water at an enhanced rate, and I think if they once begin to work in this province they will do their best to prove that they are not inferior to us in this respect.

"Then the American workmen will also obtain their due share and then the words will be fulfilled which I uttered on another occasion: 'The idea of the insurance of the workmen will take its victorious course around the whole World!'"

Whether President Boediker is right the future will show.

FRITZ KESTNER.

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THE HYPERBOLICAL TEACHINGS OF JESUS.

BY W. G. BALLANTINE.

CAN any of the practical questions of society be settled mechanically and infallibly, without the labor of observing facts or the responsibility of forming a judgment, by simply opening the Bible? Is Divorce such a question? There is a widespread impression that it is.

In a recent number of "Harper's Weekly," the Rt. Rev. William Crosswell Doane, D.D., Bishop of Albany, expressed himself as follows:

> "There is a grave question, and the question is growing graver, whether there is any Scriptural sanction for dissolving the bond of marriage for any cause whatever. But there is no question that the Scriptures do not recognize any cause except adultery as making a divorce possible. In all other cases it must be only a separation. My own conviction is that the bond is indissoluble except by death. Surely the Christian sentiment of thoughtful men might come to feel the danger of going beyond the letter of Scripture. This would considerably reduce the frequency of divorce, although it would still leave untouched the scandal of collusion, and the difficulty of finding what is called the innocent party in a divorce suit."

In so speaking, the distinguished Bishop voiced, with unusual clearness and impressiveness, a sentiment rapidly growing among Christian people. Similar expressions have been coming fast from other eminent religious leaders and from ecclesiastical bodies of many denominations. Startled by frequent scandals in "high life" and the steady increase of divorces among all classes, the national conscience calls for emphatic reaffirmation of the sacredness of the marriage tie.

But is there not a danger that, in following the letter, we may miss the spirit of Jesus, and by a Draconic severity make a bad matter worse? The assumed principle that it is dangerous for

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Christian men "to go beyond the letter of Scripture" may lead to embarrassing consequences. The inquiry arises how it is known that the words of Jesus in this regard were meant to be understood as legislation. It would be unfortunate to sound the bugle for a united stand upon impossible ground.

Jesus used an extraordinary rhetoric. For he had a unique purpose. It was nothing less than to give spiritual liberty to a world bound hand and foot in the grave clothes of Talmudic literalism. He refused to be made a judge or divider among men. His was a far more exalted and spiritual and permanent function. During his whole life, he fought against the tyranny of mere words, and for the lordship of the present living spiritual man. In his discourses he suggested great truths by parables, by questions, by metaphors, by paradoxes, by hyperboles, by every device that could elude the semblance of fixed judicial formulas. It is the irony of history that such language should be seized upon for statute law. Jesus did not intend to save us from the trouble or the responsibility of dealing with concrete situations, but he did intend to give us the heavenly point of view.

Even the hastiest reader of the Gospels sees that Jesus, in his teaching, constantly used the rhetorical figure which is called Hyperbole, a figure the most unsuitable conceivable for the language of laws. The word "hyperbole," derived from two Greek words meaning *to throw beyond,* is defined in the Century Dictionary as "an extravagant statement or assertion not intended to be understood literally." Jesus apparently aimed to startle into thought the most indolent people, and to infix his suggestions into the memories of the most forgetful. His remarks often lack wholly the characteristics of careful definitions, and seem rather, as Matthew Arnold so well expressed it, "words flung out" toward great ideas.

Whatever may have been the reason for using this surprising rhetorical figure, it undeniably abounds in the discourses of Jesus. It makes all attempts at consistent literalism hopeless, and it leaves the reader in many cases at a loss for any explanation. Men who are going to argue from the sayings of Jesus, and to plead with churches and states to erect those sayings into laws, should first survey this whole field of hyperbole and fix upon some consistent and thorough-going method of treating it. It would be no more unreasonable to take Emerson's motto, "Hitch your wagon to a

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star," as a prosaic direction to teamsters, and to paint it on a board alongside of "Walk your horses" and "Keep to the right," than to take the sublime hyperboles of Jesus for laws.

It is the purpose of this paper to consider enough of the words of Jesus to make it plain that nobody takes all of them in their bald, literal sense, that most Christians treat a large part of them as figurative, and that it is purely a matter of human judgment which, if any, shall be enforced as practical rules. Such being the case, the mere opening of the Gospels to the utterances of the Master concerning divorce cannot settle for us what should be the law of our land. Nothing can relieve us from balancing the interests at stake; and at the end we must decide, at our peril, whether the letter of Scripture is the right law for America today. This is a responsibility that cannot be shirked.

Jesus said: "If any man come to me, and *hate* not his father, and mother, and wife, and children, and brethren, and sisters, yea, and his own life also, he cannot be my disciple" (Luke xiv., 26). This is most extraordinary language in regard to entrance upon a life of love. A young Christian worker, an assistant-secretary of the Young Men's Christian Association, once expressed to the writer a great desire to study the Greek language, and he mentioned this text as a reason. He was sure that the Greek word "to hate" must have some occult meaning not belonging to its English equivalent. The positive assurance that hate in Greek was just the same as in English left him unconvinced. He could not hate his wife in the plain English sense of the word.

Jesus said: "There are some eunuchs, which were so born from their mothers' womb: and there are some eunuchs, which were made eunuchs of men: and there be eunuchs, which have made themselves eunuchs for the kingdom of heaven's sake. He that is able to receive it, let him receive it" (Matt. xix., 12). All students of church history know that the greatest of Alexandrian biblical scholars, the illustrious Origen, accepted this passage literally, and acted upon it. But the church of the third century rejected his interpretation and condemned this "inconsiderate and misdirected heroism," as he himself also did in riper years.

Jesus said: "If thy right eye offend thee, pluck it out, and cast it from thee: for it is profitable for thee that one of thy members should perish, and not that thy whole body should be cast into hell. And if thy right hand offend thee, cut it off, and

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cast it from thee: for it is profitable for thee that one of thy members should perish, and not that thy whole body should be cast into hell" (Matt. v., 29, 30). But no one of us would encourage a young man, who, finding temptation through the eye dangerous to purity, should propose to destroy his own sight, or who should, under any circumstances, amputate his right hand. These suggestions of self-mutilation strike us as so manifestly hyperbolical that we are wholly at a loss to understand the infatuation of the monks and nuns, the penitents and pillar-saints, of the centuries of asceticism. Uncounted thousands of Christians could say with Saint Simeon of the pillar:

> "Bear witness, if I could have found a way—
> And heedfully I sifted all my thought—
> More slowly-painful to subdue this home
> Of sin, my flesh, which I despise and hate,
> I had not stinted practice, O my God."

Those poor, deluded, self-torturing souls thought that they had the authority of Jesus for what they did.

Jesus said: "Resist not him that is evil: but whosoever shall smite thee on thy right cheek, turn to him the other also. And if any man will sue thee at law, and take away thy coat, let him have thy cloak also" (Matt. v., 39, 40). Tolstoy, the noblest living Russian, in genius and in heart, takes these commands literally. He teaches that we should act upon them and leave the results with God. Fortunately, he has a wife, who, if open to the charge of worldly-mindedness, has certainly ordinary common sense, and thus the grand old idealist is protected from want. To the mass of Christian men the thought of allowing the criminals and ruffians of the world to seize our property, reduce us to destitution, abuse our wives and children, and knock us about at their fiendish pleasure, seems sheer insanity. Bishop Doane, we doubt not, would be among the last to have patience with such a proposition. But it must be observed that the command of non-resistance comes in the same discourse with the utterance on divorce, which the Bishop thinks that all Christian men might see the danger of not obeying to the letter. There is nothing in the Gospel to indicate that one passage is law and that the other passage is not law. Our only way to discriminate here is to appeal to some fallible human judgment. And this is what every seeker for light will

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finally come to recognize: it is not enough to know the words of Jesus, but among those words some bishop, commentator or ecclesiastical assembly must select for us those which literally state our duty, while the others are explained as figurative.

Jesus said: "Swear not at all" (Matt. v. 34). He made no exceptions whatever. The Quakers regard themselves as bound by the prohibition, and to them the privilege of affirmation in place of an oath has been conceded. But, in spite of the precise words of our Lord, most of us think that when Theodore Roosevelt solemnly swore to support the Constitution of the United States and faithfully to administer the great office of President, he did an appropriate and Christian thing. We take comfort in the fact that he is under oath. The fact that Jesus, in prohibiting oaths, mentioned no exception gives us no uneasiness.

Jesus said: "When thou makest a dinner or a supper, call not thy friends, nor thy brethren, neither thy kinsmen, nor thy rich neighbors; lest they also bid thee again, and a recompense be made thee. But when thou makest a feast, call the poor, the maimed, the lame, the blind: and thou shalt be blessed; for they cannot recompense thee: for thou shalt be recompensed at the resurrection of the just" (Luke xiv. 12, 13, 14). The language here is exclusive and it covers both dinners and suppers. Taken literally, it rules out all the pleasant dinner and supper parties among relatives and friends, which constitute so large a part of the relaxation and joy of life. Such an institution as the American Thanksgiving day, with its reunions of family circles and congenial friends around the fragrant turkey and mince pie, can no longer be countenanced by Christian people. Social feasting is permissible only with defectives and dependents.

Jesus said: "Call no man your father upon the earth: for one is your Father, which is in heaven" (Matt. xxiii. 9). Here one of the most tender and beautiful titles in the home is absolutely forbidden. Every time a little child says "*father*," he violates the letter of this command. Every time we lovingly bestow this title on some venerable minister of Christ, we disobey the words of the Master.

Jesus said: "It is easier for a camel to go through the eye of a needle, than for a rich man to enter into the kingdom of God" (Matt. xix. 24). The unwearied attempts of commentators to diminish the size of the "camel" here, or to enlarge the "needle's

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eye," can only excite a smile. Sometimes we are told that the camel was a rope, and sometimes that the needle's eye was a gate through which a camel, by getting down on his knees, could pass, —anything, to escape, if possible, the astounding hyperbole.

Jesus said: "Sell that which ye have and give alms" (Luke xii. 33). The notion that a Christian must give away all and enter upon a life of poverty is based upon numerous similar unqualified assertions and commands. The opinion that a Christian should retain his property and administer it for God must be supported upon implications and inferences. Here, as in other matters, the path of duty is not ascertained for us by the precise words of Christ, but by our own judgment of what, in our circumstances, he would approve.

Jesus said: "Give to him that asketh thee" (Matt. v. 42). He made no exceptions. Josiah Flynt has told us that there is, or was a few years ago, in the United States, an army of 60,000 idle and depraved tramps, supported in their filth and wickedness by the unintelligent kindness of Christian people. As a rule each one of these tramps secures by begging, on the average, three "square" meals and a drink of whiskey a day. Of the folly of thus maintaining these worthless creatures it is hard to speak patiently. Yet the well-meaning people who give to them are literally obeying the command of Jesus.

Jesus said: "It cannot be that a prophet perish out of Jerusalem" (Luke xiii. 33). John the Baptist, the greatest of the prophets, had just perished out of Jerusalem.

The most perplexing hyperboles of Jesus are those in which he spoke of the power of faith and prayer. He said: "If two of you shall agree on earth as touching anything that they shall ask, it shall be done for them of my Father which is in heaven" (Matt. xviii. 19). "Verily I say unto you, If ye have faith as a grain of mustard-seed, ye shall say unto this mountain, Remove hence to yonder place; and it shall remove; and nothing shall be impossible unto you" (Matt. xvii. 20). "If ye had faith as a grain of mustard-seed, ye might say unto this sycamine tree, Be thou plucked up by the root and be thou planted in the sea; and it should obey you" (Luke xvii. 6). "And all things, whatsoever ye shall ask in prayer, believing, ye shall receive" (Matt. xxi. 22). Any attempt to consider these promises literally will seem to many to savor of irreverent levity. To suggest that no Christian

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would propose to remove by prayer the mountains that stand in the way of the Panama Canal or that obstruct the irrigation of the Western deserts, or would expect to transplant trees into wastes where the poor might find homes,—to say anything of this kind sounds like profane cavilling. But let us candidly face what is involved in admitting this. If the proposal to take literally certain often-repeated promises of Jesus is indignantly repelled as jesting about holy things, then is not the claim that we must go by the very letter of Scripture very much weakened?

We confess that we have difficulty in interpreting these limitless promises to prayer. President Garfield lies dying, while all the Christians of America pray for his recovery with a unanimity with which never any one man was prayed for before. But he dies. The same thing happens in the case of President McKinley. His wound does not even begin to heal. Millions die in India of famine and plague, while all the missionaries, men and women of God, surely, unite in agonizing prayer for rain and health. Slowly and with infinite anguish the human race advances along the path of progress. Consumption and cancer, ignorance and ferocity, the Czar and the Sultan continue from generation to generation. One thing is certain after two thousand years of trial. Those promises do not mean for us what their words seem to say. The common opinion is that the man who takes the words of Christ literally, and refuses to use anything but prayer for his sick child, deserves to be prosecuted for manslaughter.

One is astonished at the tone in which Jesus sometimes spoke of his own purpose and mission upon earth. He said: "I came to cast fire upon the earth; and what will I, if it is already kindled?" "Suppose ye that I am come to give peace on earth? I tell you, Nay; but rather division" (Luke xii. 49, 51). "Think not that I am come to send peace on earth: I came not to send peace but a sword" (Matt. x. 34). "He that hath no sword, let him sell his garment, and buy one" (Luke xxii. 36). We tell the objector that Jesus in these passages, by a bold rhetorical figure, puts the unintended and lamented result for the purpose. What he means is that the wickedness of men converts his peaceful mission into a *casus belli*. None the less, in so explaining, we admit that Jesus did not literally say what he meant and did not literally mean what he said.

Even if all thoughtful Christian men were to-day united in a

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resolute purpose of conformity to the letter of Scripture, the path of duty would be far from plain. Bishop Doane says: "There is a grave question, and the question is growing graver, whether there is any scriptural sanction for dissolving the bond of marriage for any cause whatever. But there is no question that the Scriptures do not recognize any cause except adultery as making a divorce possible. In all other cases it must be only a separation. My own conviction is that the bond is indissoluble except by death." Why is there a grave question, growing graver, about the scriptural sanction? It is because we are not sure what the letter of Scripture, in this case, is. The prohibition of divorce, as reported in the Gospels of Mark and Luke, makes no exception. In the Gospel of Matthew, however, Jesus is reported to have said, "Every one that putteth away his wife, *saving for the cause of fornication,* maketh her an adulteress: and whosoever marrieth her when she is put away committeth adultery." And in another passage, "Whosoever shall put away his wife, *except for fornication,* and shall marry another committeth adultery." It is hard to decide what to think of this exception in Matthew. The word "fornication" seems inappropriate and inexplicable in the connection. To many textual critics it appears more probable that some unauthorized person inserted those strange words into the manuscript of the Gospel of Matthew, than that Mark and Luke both omitted them, if Jesus really spoke them. The learned Bishop tells us that, personally, he shares that opinion. He does not believe that Jesus ever made any exception. The letter of Scripture, therefore, to which the practice of the general Christian world is to conform is not that of the true tradition as given in Mark and Luke, but the letter of what scholars, in technical language, call "a corrupt text," as given in our present imperfect manuscripts of Matthew. Such a proposal cannot excite much enthusiasm. There would still be a double standard; one for the scholarly few, the other for the unscholarly multitude.

Suppose, however, that Christians generally retain the old view that Jesus did speak the words recorded in Matthew, and that by "fornication" he meant adultery; shall they in practice apply Jesus' own hyperbolical definition of adultery? He said, "I say unto you, That whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart" (Matt. v. 28). No court would admit evidence as to wanton looks and

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secret thoughts. Literalism must stop short of this. But this hyperbolical definition of adultery is part of a paragraph that includes the supposed legislation of Jesus. If one part is treated as rhetorical and the other as legislative, it must be on our own responsibility.

Suppose, on the other hand, such a diffusion of critical learning and such a firmness of principle as to make possible a united forward movement to the high plane of Mark and Luke, would the course be then clear? By no means. We should still have the words, "What, therefore, God hath joined together, let not man put asunder." Now, to "put asunder" and to "separate" are precisely the same thing. It is merely an accident that our English translators used "put asunder" here and did not use "separate," as they did in translating the same word in other passages. For the Greek word that Jesus uses is not the legal term for divorce, but the ordinary word for parting company. In order, therefore, to escape the danger of going beyond the letter of Scripture, the law would have to require that two persons, once married, should not only never be divorced, but never for any reason *separated*. This is, manifestly, a requirement beyond the power of human nature. And at this point the practical good sense of Bishop Doane carries him right athwart the letter. He says, "In all other cases [except that of adultery] it must be only a separation." Could there be a more refreshing proof of the impossibility of consistent literalism? Start with whatever iron purpose one may, common sense somewhere breaks the chain. That which Jesus verbally forbids is just what the Bishop, in his wisdom, sees "*must be* in all other cases." Of course.

Jesus is the poorest possible authority for a literalist. He says the most unqualified things, and then never seems bound by them. Jesus said: "The scribes and the Pharisees sit in Moses' seat: all therefore whatsoever they bid you observe, that observe and do" (Matt. xxiii. 2, 3). He said: "Verily I say unto you, Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law, till all be fulfilled. Whosoever therefore shall break one of these least commandments, and shall teach men so, he shall be called the least in the kingdom of heaven" (Matt. v. 18, 19). Language could not be more positive. Yet face to face with concrete cases, Jesus never could be made to obey the scribes or to act as a legalist. To Jesus, a law was never a formula of words,

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but the ideal aim of the lawgiver. The Sabbath law, "Thou shalt not do any work," made no exceptions for deeds of necessity or mercy. But Jesus, after the most solemn proclamation that not the dot of an *i* or the cross of a *t* should pass away, could see in the Fourth Commandment no reason why his hungry disciples should not provide themselves food, or why he should not go on healing diseases. The presence of the living man for whose benefit laws are made abrogates all apparent restrictions upon that benefit. Words may take care of themselves.

The law of Moses prescribed in detail what a Jew might eat and what he might not eat. Jesus by a word brushed away two chapters of the Pentateuch, "making all meats clean"; and yet he would not admit that a jot or tittle of the law had passed. When the scribes and the Pharisees brought to him a woman taken in adultery, they thought that for once Love must side with Hate, and that he who never yet had spoken a harsh word about a woman must give leave to cruelty to have its way. The law of Moses was plain. The penalty was stoning. The proof of the crime was indisputable. But Jesus, with all his positiveness about the least commandments of the law, could see no reason, in those circumstances, why that poor woman should be stoned.

The notion that the interests of certain individuals must be sacrificed in order that the community may live under good general rules finds no support from Jesus. The sanctity of marriage and of the home in the first century did not, in his thought, demand that he should crush that wretched victim of man's impurity. Perhaps, in present conditions, the State must content itself with the imperfect justice of hard rules. But there is something out of character when Christian leaders, in the name of Jesus, cry out for laws more inexorable and undiscriminating. If Jesus were present in one of our court-rooms to-day, and a heart-broken girl should come in, pleading for release from some brute unfit to be her husband, one whom God never joined to her, and if the self-constituted defenders of the home stood around and insisted upon the letter of Scripture,—a fate worse than stoning,—may we not believe that the Master would say again: "Neither do I condemn thee: go thy way"?

To what point has our investigation brought us? To the conclusion that the teachings of Jesus have no value? Far from it. They have an infinite value. But they lie in a plane above that

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of legislation. Laws must be fitted to their times. Ideals are like the stars. Jesus did not say that Moses made a mistake in giving to the ancient Hebrews a divorce law such as their low state of refinement made alone workable. It does not appear that Scripture contains ready-made rules for our use. In laying down maxims for individual conduct, and laws for church and state, we are bound only to the application of a Christian judgment to the interests involved. The belief of some Christians that they have divine sanction for their particular expedients, is a most serious misfortune for all concerned. It obstructs the cooperation of good people. It brings a confusing element into the discussion.

The Christian sentiment of thoughtful men is already pretty unanimous in feeling that, in regard to oaths, war, poor-relief, and a multitude of matters, we cannot throw off the responsibility of acting upon our own best judgment in view of existing conditions. The hyperbolical utterances of Jesus on these subjects are not looked upon as requiring, or even justifying, a mechanical conformity to the letter of Scripture. Is it too much to hope that a day will come when good men will lay aside the claim to infallibility in all other matters, and when ecclesiastical bodies will cease to clamor for the enforcement of "the scriptural rules" regarding divorce, or anything else? In that good time, all thoughtful and earnest men, meeting in the forum of fraternal debate, with the modesty becoming those consciously liable to mistake, and the courage of those strong to do the right as God gives to them to see the right, will, by courteous comparison of arguments based upon existing facts, reach such harmony in practical legislation as shall secure kindness and justice for the unfortunately married, and shall promote progress toward the ever unattainable ideals of Jesus.

W. G. BALLANTINE.

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WORLD-POLITICS.

LONDON: BERLIN: ST. PETERSBURG: WASHINGTON.

LONDON, *August, 1904.*

RARELY have English politics been more tense, more intricate or more baffling than at this moment. The confusion of uncertainties and speculation in which they are enveloped dates back, of course, to Mr. Chamberlain's speech in May of last year. The essence of that speech was that perseverance in Free Trade meant for Great Britain a progressive commercial decline, and for the British Empire disintegration. It pointed directly to a reversal of the fiscal system which has obtained in England since 1846 as the only means by which the Imperial connection could be maintained. Unless Preferential Tariffs with the Colonies were quickly established, the Colonial Secretary was "sure we shall fall to pieces and into separate atoms." Nor was that any new idea with Mr. Chamberlain. It had been growing on him ever since he entered the Colonial Office in 1895; in 1902 he gave public expression to it; and within the Cabinet he fought hard to get a portion of the tax on corn and flour remitted for the benefit of Colonial exporters. It was rather circumstances than any inherent novelty that caused his speech in May, 1903, to turn so tremendous a page, not only in British fiscal policy, but in Imperial relations.

For one thing, domestic politics had reached a transitional stage. After the fierce passions of the Boer War and the Education Bill, there was a sort of lull. The "man in the street" found politics very far from exciting and only mildly interesting. He was concerned with Somaliland; he had an eye on the London Education Bill; he was pondering the Irish Land Bill. But none of these things keenly engaged him. The political waters ran placidly enough to the outward eye, though with a strong under-

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current that the Government found difficulty in gauging. The Opposition were as divided as ever. In all its essentials the situation was pretty much as it had been for five years and more. No moment could have been more opportune for the announcement of a new departure. Again, a peculiar interest attached to Mr. Chamberlain's speech. It was the first he delivered after his return from South Africa, from that famous tour which all England had followed with pride and applause. Everything therefore combined to lend to his words an unusual publicity and weight. The occasion was, in itself, out of the ordinary; but there was probably no one in England who expected to see it put to such amazing uses or lead to such cataclysmal results. Mr. Chamberlain had not consulted any of his colleagues in the Cabinet before making his speech. It took them as completely by surprise as it took the country. Even the preliminary paragraph in the papers that prepared the world for Mr. Gladstone's conversion to Home Rule was wanting. There was no forewarning whatever. It was soon evident that Mr. Chamberlain had no clear conception of what he was proposing, and that the celerity with which Parliament and the country caught him up, demanded details and the formulation of his suggestions in a cut-and-dried scheme, somewhat took him aback. Mr. Chamberlain had no cut-and-dried scheme to produce. Except in a general way, he had not thought the matter out. I do not mean that Mr. Chamberlain was speaking idly or carelessly when he announced his intention of saving the Empire by a system of Preferential Tariffs. What he said at Birmingham he sincerely and, indeed, passionately believed, but he had no prevision that in saying it he was about to convulse the country and the whole Empire, or that the response and the challenge would be so swift and overwhelming. But Mr. Chamberlain went off at half-cock, and it is this which explains the extraordinary immaturity of his initial proposals—his pledge, for instance, that the proceeds of the new corn tax should be devoted to an old-age-pension fund. Only the characteristic boldness of the man and his instant resourcefulness concealed, or partly concealed, the fact that behind his Birmingham speech lay not a definite policy but an idea more or less loosely grasped. Within a week it had become patent that the most forceful of English statesmen had raised and would not desert the tattered banners of Protection and Imperial Preference.

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The shock was electric, incredible. There had always been a leaven of unconverted Protectionism in the Conservative party; the territorial type of legislator, here as everywhere, always, in his moments of unguarded instinct, talks Protection. There were even members of Parliament, like Mr. Chaplin and Mr. Lowther, who had won a sort of antiquarian interest by publicly and consistently championing the cause. In the eighties, under the speciously attractive name of Fair Trade, there was a movement, fought tooth and nail and with surpassing brilliancy by Mr. Chamberlain himself, that in its essence was purely Protectionist. But nothing at the beginning of last year seemed more unlikely than its revival as a political issue. Even the convinced relics of the Protectionist cause had long ago abandoned all hope of seeing it once more a vital question. Both parties had seemingly accepted Free Trade as something, like the Monarchy, fundamental, beyond argument.

Beyond all hope the Liberals found themselves once more united,—united at any rate for the negative purpose of opposition to Protection. But it was not upon them but upon the Government that public attention and speculation were concentrated. It was known that within the Cabinet itself there were many who would abandon office rather than be accomplices to a reversal of the Free Trade system. It was equally known that Mr. Chamberlain's programme had the enthusiastic backing of a large number of the rank and file not only in the Cabinet but in the party. How would Mr. Balfour be able to reconcile the two factions? Would he adopt or would he disavow the policy of his Colonial Secretary? Scarcely anybody perceived that there was a third alternative, that Mr. Balfour might go too far to satisfy the Free-Traders and not far enough to satisfy Mr. Chamberlain, and that the upshot would be the resignation of the leaders of both sections. This, as everybody knows, is what actually happened; but before it happened six crucial months passed by, during which Mr. Balfour partially disarmed the Opposition and held the malcontents in his own party in check by ordering an official "Inquiry" into the state of British commerce, and by taking the fullest advantage of the forms of Parliamentary procedure to burke discussion in the House of Commons. Then as now Mr. Balfour's indecision, or the appearance of it, contrasted piquantly enough with Mr. Chamberlain's absolute assurance and activity. Mr. Chamberlain

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went straight ahead. He promptly organized the Tariff Reform League to advocate his views. No wealthier, no more perfectly equipped, no more ebullient body has ever come within the range of my political experience. In a very few months it had covered England with a network of branch societies; its lecturers, canvassers, agents and leaflets pervaded every nook and corner of the land. And there can be no question that the sweeping boldness of Mr. Chamberlain's policy, the high Imperial note he injected into it, the depth and fervor of the popular confidence in him as a man of affairs, his telling and persuasive oratory, and the feverish zeal of his supporters did for a while make an immense impression on the country. Even now the Free-Traders are not one-half so well organized for the battle as were the Protectionist forces within six months of Mr. Chamberlain's speech. So great was the flow of subscriptions and donations into the exchequer of the Tariff Reform League, so multiplying the tokens of approval and support, that even Mr. Chamberlain was deceived by them. When he started on his campaign he freely confessed in private that he had no hope of winning the next election, and that his eye was really fixed on the election after next. But at the end of six months, and on the very eve of a series of crushing by-elections, he wrote to a friend that he was convinced he would win even at the first trial of strength. He has now reverted to his original forecast.

Meanwhile, amid a growing intensity of popular interest, the struggle in the Cabinet continued. In September came the inevitable rupture. On the Protectionist side Mr. Chamberlain, and on the Free Trade side Mr. Ritchie, the Chancellor of the Exchequer; Lord George Hamilton, the Secretary for India; Lord Balfour of Burleigh, the Secretary for Scotland; Mr. Arthur Elliot, the Financial Secretary to the Treasury, and, shortly afterwards, the Duke of Devonshire, left the Government. At the same time, in letters that passed between Mr. Balfour and Mr. Chamberlain, it was clearly shown that the former was in whole-hearted sympathy and agreement with the latter's policy of Colonial Preference based on a tax on food, and only did not adopt it as the official policy of the Government because he was convinced that public opinion was not yet ripe for it. In the same letter, and in a pamphlet that was published simultaneously, Mr. Balfour, while opposed to food taxes, declared himself and his Government in

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favor of Retaliation. This policy he publicly developed a few weeks later at Sheffield. He asked the people of the country "to reverse, to annul and delete altogether from their maxims of public conduct the doctrine that you must never put on taxation except for revenue purposes." That is to say, he threw overboard the fundamental principle of Free Trade and proposed to substitute for it the principle of Retaliation. Except vaguely we do not know how much this latter principle is to be understood as embracing. We know, indeed, that it does not include a duty on food or on raw material, and that it excludes the very idea of Colonial Preference; but of the circumstances in which and of the extent to which it is to be applied, we are wholly ignorant. But there is no misunderstanding the nature of Mr. Chamberlain's proposals. He laid them squarely before the country immediately after leaving the Government; he has several times restated them, and they are to be accepted, if not as final in themselves, at least as a foreshadowing of what his final plan will be. He proposed to place a two-shilling duty per quarter on foreign corn, but to let Colonial corn in free; a five-per-cent. duty on foreign meat and dairy produce, from which also Colonial exporters would be exempt; a duty on flour heavy enough to reestablish the British miller; a reduction in favor of the Colonies on the duties on fruits and wines; and an all-round ten-per-cent. duty on foreign manufactured goods. The increase in the cost of living thus produced he proposed to offset by reducing the tax on tea by three-fourths, and on sugar, coffee and cocoa by a half.

Between these two policies there is on paper and in economic theory a clear distinction. The one, though it abandons the basic principles of Free Trade, only does so on the colorable pretext of obtaining Freer Trade; the other is downright Protection, complicated and to an extent alleviated by Colonial Preference. But, politically, the difference between the policies is not so marked. For one thing, Mr. Chamberlain has proved himself by far the stronger personality. He has labored unintermittently for his policy. The result is that the Chamberlain programme has swamped the Balfour programme, and that hardly anybody now believes in the reality of the latter as an issue standing by itself. For another thing, Mr. Balfour has publicly applauded the Chamberlain policy; if he thought it politically advisable, it is probable that he would himself advocate it. He has done everything to en-

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courage the Protectionists and everything to discourage the Free-Traders in his own party. He appointed Mr. Austen Chamberlain, an out-and-out Protectionist, to the Chancellorship of the Exchequer; he has allowed his colleagues in the Cabinet to take office in the reconstituted Liberal-Unionist Association, which is now nothing but a branch of the Tariff Reform League; he has watched without protest the hounding of Free Trade Unionists from their constituencies; and he has lent his personal and official support to avowedly Protectionist candidates. From all this the country at large has inferred, not without a certain disgust, that Mr. Balfour is a Protectionist at heart, but dare not say so; and that when the proper time comes, he will merge his own policy of Retaliation into the bolder one of Protection and Colonial Preference. Meanwhile, his half-way house has served as an adroit and useful refuge for the doubters and fence-sitters. So far only thirty Free Trade Unionists have broken away from him and voted against him. There are other Free-Traders in the party, and in the Cabinet itself, who are still able to persuade themselves that Mr. Balfour's policy of Retaliation is an effective barrier against the party's complete reversion to Protection; who look upon him rather as a subtle opponent than as an ally of Mr. Chamberlain; and who expect him eventually to land on the Free Trade side of the fence. On the other hand, those who subscribe to the Chamberlain policy outnumber the Free Trade and the Retaliation Unionists put together. For the past year, therefore, Mr. Balfour, with infinite dexterity, has been obliged to do nothing that would alienate either section of his party. He has completely succeeded; his party still stands chipped, indeed, but not broken; his majority is still secure. The consummate ingenuity with which Mr. Balfour has avoided every trap and every peril, baffled all inquiries, "cornered" the Opposition and wrapped friend and foe alike in a mist of brilliant and bewildering sophistries, constitutes a Parliamentary performance of the highest order. But it is not a performance of the kind that attracts the people. To them it seems shifty, disingenuous and feeble. The British electorate, like the American, abominates above everything the appearance of vacillation and indecision; and the strong wave of disapproval that has already overwhelmed Mr. Chamberlain's policy owes much of its impetus to Mr. Balfour's "tactics."

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BERLIN, *August, 1904.*

THE events of the past month have shown conclusively that "friendship with Russia at any price"—Bismarck's legacy to his country—is still the pith and root of German policy. Political friendships are usually one-sided, but not since 1863, when Bismarck assisted Russia to suppress the Polish rebellion, have Germans been more forcibly reminded of that fact, or more uncomfortably conscious of their obligations to their Eastern neighbor. For, at the very moment when Germany was prostituting the law, in deference to the wishes of the Russian police, Russia was requiting her by seizing her ships. The provocation was certainly great. It was the greater because nobody in Germany had anticipated that Russia would be so ungracious or ungrateful as to molest German shipping. Germans had witnessed the expulsions of Russian students from Germany; they had learned that at Wiesbaden their Emperor had given the Tsar the most binding assurances as to Germany's friendship—thereby enabling Russia to denude her Western frontier of troops; they had read in the newspapers the Emperor's telegram on the death of Admiral Makaroff, that "Russia's mourning was Germany's mourning," as also his Majesty's telegram to his Wyborg regiment; they had heard that Krupp's establishment was working overtime, manufacturing arms and ammunition for the Russian army, and they knew that five great liners had been sold to the Russian Government. They had every right to expect that their own attitude of "benevolent neutrality" would receive, at any rate, polite acknowledgment. Neither the German Government, nor the German people, profess the slightest interest in the maintenance of the Black Sea treaties; and, when the irregular activity of the Russian Volunteer Fleet in the Red Sea began, it was the conviction of the country that German shipping would go unmolested. It was, therefore, but natural that the seizure of the "Prinz Heinrich" should throw Germans into consternation. At the time, undoubtedly, profound indignation did prevail among the general public, who felt that the cup of humiliation was flowing over. For the first time for many years, a number of German newspapers published some very nasty things about Russian honor, rule and behavior, and it was evident that all the ingredients that go to produce an outburst of popular passion were present. That was on July 17th. The following day, Sunday, Count von Bülow

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took action, and with a few passes of his magic wand the situation changed. Earnest injunctions were issued to the press to exercise great restraint, and from that moment until the final settlement of the affair the public heard comparatively little about the matter.

Looking back at the incident to-day, we can see it as a whole. It forms an interesting episode in the relations of the two Powers, viewed psychologically or politically. Not only has no diminution of cordiality in Russo-German relations ensued from the incident, but there is evidence that, diplomatically, it has rather improved Germany's position with Russia than otherwise. The "towering friendship"—to use a Bismarckian phrase—of Germany for Russia is now more than ever a fact, and von Bülow has demonstrated that he, too, knows that politics is an "art."

It detracts nothing from Count von Bülow's success if it be pointed out that no more ill-timed moment for gratuitously affronting Germany could possibly have been chosen. On the very day the mail-bags of the "Prinz Heinrich" were seized, M. de Witte was closeted with the Chancellor at Norderney endeavoring to come to an understanding (since effected) about the new Commercial Treaty. And when, a week later, the "Scandia" was brought into Port Said by a Russian prize crew, Germans were awaiting with suppressed emotion the verdict from Königsberg. It is no exaggeration to say that the Russian cruiser's escapade affected both issues in a way highly satisfactory to Germany.

A few days after the seizure of the "Prinz Heinrich" the German Ambassador at St. Petersburg was instructed to make a complaint to the Russian Government, and to point out courteously that, while Germany conditionally recognized the right of search, the confiscation of the mail-bags would have to be regarded as an unfriendly act. This complaint was in no sense whatever a protest, and the question of the status of the Russian ships was carefully avoided. Russia, as usual, immediately promised redress, and pending developments the German semi-official press was instructed to refer to the matter as an "isolated" case. The indignation in England at the seizure of the "Malacca" opportunely diverted public attention, and the affair was being rapidly forgotten, when the second seizure was announced. For a moment, the Government was on the horns of a dilemma. It looked as if a principle might become involved, whereas Germany's main endeavor was to avoid all question of principle. The point at issue

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was: Are the Russian captains acting in accordance with orders received from the Government? Very properly, no time was lost. Count von Bülow, the day of the announcement of the seizure of the "Scandia," telegraphed fresh instructions to the German Ambassador at St. Petersburg, who on the day following (Sunday) was able to announce that the Russian Government had already issued orders for the release of the vessel. The order took effect at Port Said that evening. The Chancellor's success was undeniable. On the Monday, the German "well-informed" press dwelt with self-complacency upon the achievements of German diplomacy, the aggressions of the cruisers were ascribed to errors of judgment on the part of the captains, and the world was assured that the relations between the two countries were unimpaired. A few days later, Russia proved her contrition by issuing passes to German ships.

The question arises: How did the Chancellor accomplish this? It was certainly not by means of protests such as once astonished Lord Salisbury on the occasion of the seizures of the "Bundesrath" and other vessels by British war-ships, though there never was a doubt as to the status of the British vessels. And yet Russia's prompt settlement of the affair would seem to suggest that some pressure was exercised. The truth is, pressure was not necessary. Russia had made a mistake; and the moment the situation was understood at St. Petersburg Germany was promised, and granted, full reparation. Nothing as yet has transpired as to the question of indemnities. But this much is certain: Germany found herself in the rare position of being able to dictate terms to Russia. She was able to point out that the status of the Black Sea Volunteer Fleet was of no concern to her, but that if German shipping was molested by that fleet she would be compelled to remember that she had been signatory to the Berlin Treaty. She was able to read Russia a lesson on the subject of gratitude, and to remind her that France was not going to plunge into war with England for the sake of those bottoms, whereas the tacit support of Germany would greatly strengthen Russia's position towards England, if it should really be thought desirable at St. Petersburg to make the whole question of the Dardanelles a fighting issue. Lastly, she was able to toy with the threat of cooperation with England, and to hold out indefinite promises of aid in settling the Eastern question at the conclusion of the war. In a word

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Germany's arguments proved, as in the circumstances was inevitable, unanswerable, and Count von Alvensleben had the satisfaction of transmitting to Berlin the assurance that the auxiliary cruisers of the Volunteer Fleet would not again "be utilized for the visitation and seizure of neutral ships in the Red Sea." British ships have been seized since that assurance was given; but there can be no doubt that, in the case of Germany, that assurance will be binding even upon the captains of the Volunteer Fleet.*

Thus Count von Bülow, with scarcely an effort, has achieved an imposing diplomatic success. At home, Germans are very much satisfied with the result, which they attribute to the firm attitude of the German Government. Nor has Russia reason to complain. The anti-Russian invective which broke out spontaneously in portions of the German press has been atoned for by the compliments meted out to the Russian Government on the settlement of the affair by the German semi-official organs.

The incident, too, invites comparison. How strangely different was Germany's attitude towards Great Britain at the beginning of 1900. In the case of Russia, what reserve, what moderation, what national modesty! There have been no Pan-German, Anti-Russian crusades, no savage outbursts in the press, no interpellations in the Reichstag, and no violently worded notes. The Chancellor has not been called upon publicly to denounce Russian methods, and he has taken very good care not to do so. And the whole incident has been put before the public by the "well-informed" press as an "isolated" case of irresponsible aggression.

The whole attitude of Germany towards Russia is well worth noting. It would seem to show that, in all questions of policy in which England and Russia are concerned and Germany has to make her choice between them, she will, invariably and inevitably, side with Russia in opposition to Great Britain.

More interesting to Germans even than the seizure of their ships has been the notorious trial at Königsberg. There, in the old law courts, a scene has been enacted which would be almost grotesque, if it were not for the everlasting stigma it has cast upon the political honor of Germany, and of the Prussian judiciary. Nine months ago, it was announced that a number of

* The sinking of the "Thea" is not a case in point. But here again the passive attitude of Germany is remarkable.

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Socialists had been arrested, charged with high treason against Russia by aiding and abetting the circulation of seditious writing, *lèse-majesté* against the Tsar, and belonging to a secret organization of a revolutionary character. As time went on, public curiosity in the case increased, and the Government was called upon to define its position. This it did with great solemnity. The Prussian Minister of Justice, and Herr von Richthofen, Secretary of State for Foreign Affairs, both gravely announced that a seditious movement had been discovered, and that the offenders were to be brought to justice. Thus supported, judicially and politically, by the highest responsible authorities, the trial opened. The Crown prosecutors appeared with huge bundles of documents, pamphlets, leaflets and letters in the Russian language, and then had to admit that they could not read them; moreover they had not been sorted. The charge sheet filled three hundred octavo pages. It was then discovered that not one of the nine accused knew one word of Russian, and the prosecution was unable to prove at whose house, or in whose possession, this or that particular document had been seized. Days passed in translating and reading the writings. Experts on civilization were called as witnesses, and Professor Reussner deposed on the chaos and anarchy of inner Russia. Thus the unique spectacle was witnessed of a learned professor deliberately called to pronounce sentence, in a German Court of law, on the flagitious rule in Russia. Finally it was discovered that the legal basis for the trial was wanting. It transpired that the Russian Consul had doctored documents and bamboozled the German Government. At the eleventh hour, telegrams were sent to Russia, and to the Wilhelmstrasse, to inquire whether any treaty between Germany and Russia existed, as indicated in the Russian consular report, whereby reciprocity of treatment was guaranteed Germany in the case of a similar trial for high treason in Russia. The German Foreign Office had to reply in the negative. Russia characteristically vouchsafed no answer. On this question the whole case stood and fell. The trial was brought to an abrupt conclusion. The speeches of the defence were masterly pieces of forensic argument, and the son of the founder and late leader of the German Social Democracy, Dr. Liebknecht, inveighed with impassioned eloquence against the Russian police régime. All that had been proved, all that could be proved, was that a little smuggling had been carried on. Result: All the nine

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prisoners were acquitted on all the counts relating to Russia, six of them only receiving sentences varying from two to three months' imprisonment for being members of a secret organization.

The ignominy of the fiasco at Königsberg has been keenly felt by Germans. If it is endured so patiently it is because it is known that the trial was undertaken by the Government as a political favor to Russia, to whose will all things in Germany—even the law and national dignity—are subservient.

ST. PETERSBURG, *August, 1904.*

THE war against Japan is eminently unpopular in Russia. It is being waged by a mere section of the Government regardless of the will of the people. The persons who are mainly responsible for bringing it on are neither professional politicians nor even members of the administration. They are mostly outsiders, who, for the time being, enjoyed the implicit confidence of the Tsar, which in spite of the disastrous results of their short-sighted measures they have not yet forfeited. And it is those two cardinal facts—the irresponsible power of the governing *junta* and the determination of its members to suppress the inarticulate but determined opposition of the people—that shape the whole policy of the Empire. Thus Russia's relations with foreign Powers are liable to sudden fluctuations, owing to the hasty action of this exalted personage or that without previous consultation with the Foreign Office; and the intelligent as well as the uneducated classes of the nation are incessantly striving, the former by agitation, the latter chiefly by violence, to free themselves from the fetters which arrest the cultural development of the individual and impede the natural growth of the people.

The same influences are at work ripening Russia's official intercourse with Germany into a degree of friendship which differs little from an alliance. The Grand-Duke Alexander Mikhailovitch has done much to forge the links which bind the two Governments. And his motive is Germany's cooperation, partly given and partly promised, with the Russian Government in its twofold struggle against Japan abroad and Russian malcontents at home. Thus in the matter of the pseudo-cruisers the Kaiser's Government has undertaken to uphold Russia's claim to despatch vessels to any part of the world as merchantmen, then to author-

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ize them to act as war-ships and, lastly, to obtain for them immunity from attack by transforming them into trading ships once more. Again, when the war is ended and peace negotiations have begun, Russia is anxious to settle her differences with Japan without reference to outsiders. For "the predominance of Russia on the Pacific" is the aim of the war, as the Tsar has defined it. Now, President Roosevelt once indicated that the policy of the United States has a similar ultimate object in view. Besides, the maritime Powers of the world are unwilling to allow the most promising markets of the future to be closed to them forever. Hence they too may desire to circumscribe the field of negotiations between the two belligerents. And as Russia, or rather the Grand-Dukes who now rule that Empire, are resolved to brook no such interference with their plans, they naturally look out betimes for valuable support, and this is expected from Germany.

Against the people of Russia who are struggling for a living wage against the State, which is now the great employer of labor, for elementary instruction and the right of worshipping God as their conscience dictates, the Kaiser's Government has rendered services which, in the words of the independent German press, are calculated to expose the Fatherland to universal odium. Russian spies, organized and paid by the late Minister von Plehve, received authority to carry on operations there as in their own country. Subjects of the Tsar resident in Prussia, Würtemberg and elsewhere were watched, their houses searched and the names of subscribers to liberal Russian periodicals were ascertained and communicated to the Tsar's police, who arrested and imprisoned them. Wrong Russian translations of harmless pamphlets were made and relied upon by the German police as grounds for seizing consignments of them destined for St. Petersburg and for apprehending the senders. Russians who had broken no law but were obnoxious to their own police, whose clutches they had escaped, were seized in Germany and forced not only to quit the territory, but to cross over into Russia, whence they were deported to the island of Saghalien or immured in fortress dungeons. And, having achieved these things, the Berlin Foreign Office officially requested the Russian Minister of Foreign Affairs to confer decorations and orders upon the German police and detectives who had "shadowed," seized and delivered these harmless men.

To those two ties which link the Governments of the Tsar and

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the Kaiser may be added a third: mistrust of the United States. Down to a relatively recent date the feeling between the Great Republic and the Tsardom was distinctly amicable. But the resolve of the American people not to assent to the closing of the markets and mineral wealth of the Far East to their commercial and industrial enterprise has transformed friendship into bitter enmity. This sudden change is duly reflected by the gaudy pictures of the war which are sold in myriads to the Muscovite masses. In these specimens of rudest art Russia is depicted as thrashing her enemy, while Uncle Sam almost always figures as the sneaking backer of Japan, eager to rob her of the fruit of her victories, but too niggardly to help defray the cost of winning them. To the middle classes the same conception is made plastic and audible in the summer theatres of St. Petersburg and other large cities. There the pathetic and tragic aspect of life at the front is sketched in a series of brilliant scenes, relieved by the Britisher and the Yankee depicted as cowardly big bullies who egg on little Japan to certain ruin that they may live in luxury. The baneful work begun by pictures and theatres is completed by serious organs of the press, whose very exaggerations will soon render even calumny harmless. Yankees and Britishers are there denounced as villainous marplots, who stick at no crime and even grudge no expense to raise up difficulties to Russia. Thus, strange to say, the American dollar is found circulating among all those peoples who may become troublesome to the Government of the Tsar, and the sources of this flow of gold are the banking accounts of American missionaries and commercial agents, who devote themselves to the hatching of foreign plots and the engineering of insurrections.

If Americans and Englishmen thus strike below the belt, it is only natural that the Japanese should demean themselves as wild savages. Kuroki's soldiers, therefore, are described as spending their time after hard-fought battles in torturing the wounded and mutilating the dead. They are barbarians, the Russian press declares, and should be put beyond the pale of civilization.

Those are some of the means employed to console the people of Russia for their reverses on sea and land, and to awaken enthusiasm for the war. But the masses, indifferent to the fate of Manchuria and Corea, act on the maxim that charity begins at home. Hence the people are deeply interested in the war, but mainly

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because they hope that a Russian defeat will end the era of autocracy, in which they descry the source of their monotonous misery. Those among them who observe and reason hold that the governing *junta,* having neglected the intellectual needs and material well-being of the people in order to be ready for war, has failed to discharge even this one task of its own choosing, and has thus reduced its system to an absurdity. It is in those events of the war which bid fair to prove the correctness of this view that the popular interest centres, and not in the fate of the peoples of the Far East. The bulk of the nation grudges the money and the men now being sacrificed for a political white elephant, while the masses of Russians are in want of the very necessaries of life.

Americans cannot grasp the issues of the fateful struggle now going on between the people and the governing few without acquiring some ideas about the way in which the pinch of the administrative shoe is felt. The Russians, it should be premised, have no taste for military glory, no greed of foreign territory. Their rulers, on the other hand, anxious to keep them from brooding over their grievances at home, compel them to furnish the funds needed for the annexation of ever more territory, while what they already possess is left practically unexploited. The Government, therefore, is extremely wealthy, while the bulk of the people are living in hunger and squalor. The Treasury is in receipt of the largest revenue ever known, which it is systematically increasing by leaps and bounds unparalleled in history. Between the years 1891 and 1903, the Imperial receipts were more than doubled, rising from $462,240,243 in the first-named year to $973,137,354 in 1903. This money was spent on ships, armaments and railways which yield little or no returns. The lower classes who supplied the greater part of those enormous sums scarcely benefited by their outlay.

For, during the same period, the peasants ate less bread, lost a large percentage of their horses and horned cattle, and in many places had to discard even cabbage and milk as articles of food, while the rate of State expenditure upon education fell off. Thus, the Government allots only one-half per cent. of its budget for elementary schools for its own people, while expending large sums for the educational establishments of those foreign races whose political sympathies it is anxious to win, such as the Serbs, Poles, Bulgarians and Lithuanians. The total amount allowed by the

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State for all educational objects is about 7.7 cents per head of the population, whereas the entire outlay of the Government runs up to $7 98. But this is not all. Education is positively discouraged, and the obstacles thrown by the authorities in the way of opening schools are almost insuperable. Yet the Russian people hunger and thirst after knowledge. But the maxim followed by the Government is that it is easier to govern autocratically an illiterate than a literate people.

In proportion as education has been frowned down, the consumption of *vodka* is being actively fostered by the State, which now monopolizes the sale of alcohol and relies upon it as the most important source of the Imperial revenue. The consumption of alcohol was on the wane when Minister de Witte introduced the State Monopoly. For the ten years previous it had diminished by twenty-five per cent., but it then received a powerful fillip from the State, and has ever since gone on augmenting.

Another of the grievances of the people consists in the fact that they are taxed congruously with a preconceived system which takes no account of their general economic condition, or even of their exceptional needs. Thus the year after the famine of 1892 the Imperial receipts showed no falling off; on the contrary, they exceeded the estimates by 84,000,000 roubles. And yet the destitution of the famine-stricken peasants was such that donations of money and corn, on a large scale, were despatched by foreign philanthropists to Russia. Hand in hand with this taxation goes the forced export of corn, of which more is sold than the peasants can afford to dispense with. And here is the proof: 330 kilograms is the amount of rye distributed by the Government in famine years to keep each individual peasant barely alive. Yet statistics seem to have established the astonishing fact that what remains of the corn after the annual quantity has been sent out of the country amounts only to 240 kilograms per head!

The existence of the average husbandman is a series of hardships which only a fatalist could bear with resignation. An official who has lived among the people as the representative of the Government writes in this strain:

"Even at present, half of the hovels are heated in the 'black manner.' That is to say, in the morning when the fire is lighted the upper part of the hut is wrapped in dense smoke, which escapes through chinks in the walls or through a special aperture, but mostly through the door,

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which is kept open for the purpose. Meanwhile, the inmates are sprawling or seated on the floor, in order to breathe as little of the smoke as may be. Through the open door, the air from outside comes in, bringing with it a frost of thirteen degrees below zero. The heating operation over, every opening is closed, and the hovel becomes as hot as a steam bath. And towards morning the water often freezes again. The walls and the couch are coated with a layer of black by the smoke. And it is here that the family of about eight souls lives: the old man with the old woman, the married son, the daughter and the children. Here they eat, here they sleep on straw; here the women bring their children into the world, here they spin and weave; here the boys do their school tasks; here too are a calf, lambs, sometimes sucking-pigs, poultry; here a mephitic odor prevails; a lamp burns without a glass or it is not lighted at all, if there happens to be no money to buy petroleum."

It is against such results of autocracy that the peasantry murmur and the intelligent classes protest. And it is to the suppression of all such manifestations of dissatisfaction that the whole domestic policy of the Government has been tending. A commission was appointed by the State to inquire into the causes of the misery of the peasants, and its members were exhorted to speak their minds freely. One and all, noblemen, landowners, lawyers, schoolmasters, gave it as their opinion that the system of Government must be changed, the peasants allowed to quit the soil at their will, and the industrious inhabitants of the country freed from the obligation of working for their lazy and drunken fellows. But the men who uttered these convictions were visited with swift punishment by M. von Plehve. A medical Congress assembled last January from all the ends of Russia to concert measures for coping with infectious and contagious disease. They, too, having counselled education and reform as the first steps, were speedily dispersed to their homes and punished. A Congress for the encouragement of technical education was convoked at the same time, and their resolution, unanimously passed, amounted to a condemnation of autocracy and a demand for representative Government. Then the omnipotent Minister von Plehve forbade all further Congresses.

M. von Plehve was the incarnation of the autocratic principle. His life-work was to establish absolutism on a firm basis, and to develop it still further. Hence, he gave power to all provincial governors to banish noblemen from their estates without trial or explanation; he persecuted the Jews; he abolished the home rule of the Finns; he approved the coercion inaugurated by Bobrikoff

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in Finland; he appointed as Bobrikoff's successor Prince Obolensky, who had had women flogged in the south of Russia; he deprived Armenians of their churches, schools and private endowments; he created a *cabinet noir* in the post-office where private letters are opened and copied; he flooded German, Swiss, French and English cities with spies; he gagged the newspaper press; he banished outspoken journalists to Siberia at a moment's notice, without allowing them to put on warm clothing or borrow a little money; he had a girl of seventeen arrested in the dead of night, sent with detectives to Odessa to be confronted with political prisoners, and, when she was shown to be innocent, she was set free at eleven o'clock at night, a thousand miles from her home, without a cent in her pocket or an acquaintance in the town; he made it known throughout the length and breadth of Russia that no opposition to the Government is or can be legal and that all dissatisfaction, however expressed, is criminal.

The upshot of this policy is the total divorce of the Government from the moderate, patriotic and honest elements of the country. Good advice and trustworthy knowledge of the popular frame of mind are no longer within its reach. Its instruments and agents are selected from a category whose members are chiefly concerned to obtain personal success. And as there is no legal opposition, the ranks of the illegal agitators are recruited by fresh forces who are bent on attaining their end by whatever means may commend themselves as efficacious.

It was to a plot hatched by these desperate men that the ill-fated Minister fell a victim. He was aware that his life was in danger; but he had organized the detective system so thoroughly that he felt easy in his mind.

Five days before his death he received information that a fresh plot against his life would soon be carried out, and he gave orders that every suspected person in the capital should be searched. A highly respectable single lady was thus visited, at half past three o'clock at night, by a superintendent of the police, five assistants, ten policemen and one female detective. The chief officer insisted on entering her room, on the ground that in political matters there is no sex, but she finally obliged him to allow the female detective to be present while she was dressing. Every nook and corner of the three little rooms was scrutinized, the boards of the floor were raised and the fruitless search was

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continued from half past three until eleven next morning. But the real conspirators were left in peace, and added another blood-stained page to the gory annals of contemporary Russia.

At present, the condition of the Tsardom borders upon anarchy. There is no Government, but only an inaccessible camarilla, with unlimited power untempered by responsibility. There is no Opposition, but only a nation of inarticulate malcontents and a party of desperate conspirators, followers, as they themselves declare, of Brutus and of Charlotte Corday. The war which was begun by the ruling *junta* in blindness will be carried on by them in self-defence, for a Russian defeat would connote the end of absolutism. Meanwhile the bulk of the people look forward to the victory of Japan as the term of their own sufferings and the inauguration of an era of education, freedom of conscience, peace and material prosperity.

WASHINGTON, *August, 1904.*

THE economical solidarity of civilized peoples in the twentieth century is strikingly exemplified by the effect of the war in the Far East on American interests. It was, of course, foreseen from the outbreak of hostilities that the fate of our commerce with Manchuria would depend on the outcome of the contest. Our exports to the three Chinese provinces which lie northeast of the Great Wall, and to which collectively the name of Manchuria is given, had signally increased during the decade preceding the Boxer troubles. There was no reason to doubt that the development would continue, if the administration of those provinces should revert from Russian to Chinese hands, and the enjoyment of the rights of intercourse conceded to us by treaty should thus be secured. The promise to make of Dalny a free port might be broken, like the promise to evacuate Chinese territory at a specified time, and few Americans were so credulous as to believe that, if Manchuria became Russian, their products would long be suffered to compete with Russian commodities on equal terms in the Manchurian market. It was not to be expected, therefore, that American manufacturers and merchants would be glad to witness a definite triumph of Russia over Japan. They had good reason to desire the contrary result. The Tokio Government has repeatedly announced that, if successful, it would

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look to Russia exclusively for the fruits of victory. Besides a formal recognition of her right to control Corea, Japan might properly exact a large pecuniary indemnity for the cost of the war, together with territorial compensation in the shape of the island of Saghalien, the strip of Manchurian seacoast on the southern tip of which stands Vladivostok, and that section of the Liao-tung peninsula which includes Dalny and Port Arthur, and which was leased for twenty-five years to Russia. It may also be taken for granted that Japan would require the surrender of the railway lines which Russia has been allowed to construct from the Siberian frontier to Vladivostok and Port Arthur, but which, after the loss of those ports, she would have no excuse for retaining. Confining himself to these demands, the Mikado, it is understood, would cheerfully acquiesce in the reinstatement of Chinese authority throughout Manchuria, from the right bank of the Amur River to the Bay of Corea. Thenceforth, the privileges granted to us by our treaty of commerce with China would become operative throughout the region which has been the theatre of conflict, with the exception of the small tract on the Liao-tung peninsula which was leased, as we have said, to Russia, but which will have become Japan's by right of conquest.

It was mainly from this point of view that, at the outset, the Far-Eastern contest was regarded in the United States. We wanted to keep and expand our market in Manchuria, and the conviction that this desire was attainable only through Japan's success had more influence on the popular mind than racial antipathy—of which, indeed, there was hardly a trace—or than the traditional friendliness which has long marked the relations of the United States and Russia. As the war has progressed, however, it has become evident that our interests might be materially affected in more points than one. Not only are American citizens, as exporters, and as the owners of a valuable railway concession, directly concerned in the maintenance of China's authority and territorial integrity, but it is for them a matter of moment that the rights of neutrals shall suffer no impairment at the hands of either belligerent. Of course, international law has only been partially codified by the St. Petersburg and Geneva conventions, and by the treaties of Paris and Washington. So far as they go, the rules propounded in those instruments are, no doubt, binding on the parties to the com-

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pacts. There remains, however, a wide field wherein it is not always easy to say where international law begins and international morality ends. By the former term is meant the rules of conduct that the nations of the civilized world admit, nay, insist upon. Every addition to them represents a forward step in the path of enlightenment and humanity; or else an adjustment to new conditions and instruments of warfare. Among the questions which the present war has forced into the foreground, and in which the United States are manifestly interested, is whether, owing to the greatly increased range of modern artillery, the three-mile limit—the traditional boundary of territorial waters—is not much too short; and to what extent, under what conditions and at what distance from the actual theatre of military or naval operations wireless telegraphy may be used by neutrals. Should, for instance, a war correspondent, himself the subject or citizen of a neutral State, have the right to secure, by means of a balloon, sent up from a neutral vessel far outside the three-mile limit, information regarding the internal condition of a beleaguered fort, and communicate it by wireless telegraphy to his newspaper, which would publish it to the world, and, inferentially, to the blockaders? Then, again, what are the rights and correlative duties of neutrals as regards the hospitality that may be offered to the war-vessels of a belligerent? That was a question of great moment to us during our Civil War, and it has been again brought home to us by the seizure of the "Retshitelny" in the harbor of Chefoo.

The Russians assert that, by capturing the destroyer in neutral waters, Japan committed a breach of international law, and that China, through its representative at Chefoo, connived at the act. China, on her part, denies connivance, and has demanded from Japan reparation for the alleged violation of her neutrality; while the Japanese have thus far persisted in retaining the vessel, asserting that provocation for the seizure was given by the Russians. Evidently, a case is presented for The Hague Tribunal, or for an arbitrator to be agreed upon by the parties in interest. At the hour when we write, Secretary Hay, with his usual discretion, has forborne to assume the truth of the Russian, the Japanese or the Chinese version of the facts, and, consequently, has refrained from addressing any protest on the subject to any of the chief Powers implicated in the transaction.

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Count Cassini, the Russian Ambassador at Washington, would have had our Government take for granted the correctness of the Russian account, and apply a species of moral coercion to Japan and China for the purpose of procuring the return of the captured vessel and the payment of an indemnity. Even if Count Cassini's report of the facts were known to be well founded, it would not follow that the United States, merely because they had suggested the desirability of respecting China's neutrality, had bound themselves to enforce the performance by China of a neutral's duty, and to assure to her the enjoyment of a neutral's rights. At the time when the subject of China's neutrality was first brought by Secretary Hay to the attention of the Powers concerned, he was asked what course he would pursue in the event of China's neutrality being violated by herself or by one of the belligerents. Mr. Hay replied, in effect, that he would cross that bridge when he came to it. He has come to the bridge now, and, apparently, his method of crossing it is to declare that, while he views the Chefoo incident with regret, he denies that any obligation to require reparation rests upon our State Department. But we must recognize the importance to ourselves of a reference of the affair to an international tribunal, in view of the likelihood, not to say certainty, that, in some future contest, the war-vessels of a belligerent may seek refuge in our Atlantic, Pacific or insular ports, or propose to traverse our Panama Canal. What Americans hope is that their State Department will, by friendly representations, prevail upon the Governments of Tokio, St. Petersburg and Peking to submit the conflicting testimony and the questions raised thereby to The Hague international court. The three new rules which the Treaty of Washington (1871) directed the Geneva Board of Arbitration to apply to the "Alabama" case, rules to which England reluctantly assented, were that a neutral government is bound, first, to use "due diligence" to prevent the fitting out, arming or equipping within its jurisdiction of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a Power with which it (the neutral government) is at peace, and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been adapted, in whole or in part, within such jurisdiction to warlike use; secondly,

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not to permit either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of renewal or augmentation of military supplies or arms or the recruitment of men; and, thirdly, to exercise due diligence in its own ports or waters, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties. If China, as Russia asserts, has violated these principles, we ought, no doubt, to urge compliance with them by diplomatic representations at Peking. The phrase "due diligence" was undoubtedly vague, but it was defined at Geneva to mean that the diligence ought to be proportioned to the belligerent's risk of suffering from any failure of the neutral to fulfil his obligations. It is plain enough that Japanese commerce might be seriously imperilled, if the Russian cruiser at Shanghai were permitted to leave that port with a full supply of coal. Admitting that she could not be expected to return to Port Arthur, which, if it were not already in Japanese hands, would be closely invested, we must recognize that the supply of the combustible conceded to her should be strictly limited to the amount needed to carry her to Vladivostok. It is also pertinent to recall another important principle which the United States established beyond dispute in the "Alabama" controversy. Whatever the obligations of a neutral in any given case may be, failure to fulfil them is not excused, either by defects of the municipal law or by successful evasions of that law. A neutral State ought to make its laws conformable to its international duties, and to compel its subjects, or those of a belligerent, to obey them. If it fails in either respect, and injury to a belligerent is the consequence, a neutral State is answerable to the injured party under the law of nations.

Of incomparably more importance to the United States than any other question raised incidentally during the Far-Eastern War is Russia's assertion of a right to transfer food from the category of articles *conditionally* contraband to the list of those *absolutely* contraband. If the St. Petersburg Government had wished to demonstrate the existence of a vital community of interest between the United States and Great Britain, it could not have hit upon a more effective expedient to that end. By confiscating American flour consigned, not to the Japanese Government, nor to a blockaded Japanese port, nor to a Japanese military or naval force, but to private persons in Japan, Russia

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violated a principle the maintenance of which in international law has come to be indispensable to Great Britain, as the largest importer, and to the United States, as the largest exporter, of food products. The position of England with regard to such commodities has changed within a century. In 1783, she made large seizures of provisions destined for the French Republic, on the plea that there was a chance of reducing France by famine. The United States at that time protested against the notion that provisions, not consigned to a blockaded port, could in any circumstances be contraband—a position more advanced than that taken in the modern American doctrine that an actual *military* destination, even of luxuries, will impress upon the cargo a contraband character.

Among modern jurists, Ortolan excused provisions under all circumstances from the class of contraband goods. Now, apparently, our State Department means to hold in the "Arabia" case that there must be *prima facie* proof of the military destination in order to justify the treatment of provisions as contraband. We are informed that the British Foreign Office has made an identical declaration. It is certain that, if England were engaged in war with a Continental coalition, her opponents would desire to treat food as contraband, and they would be certain to recall the plea, which, as we have said, was put forward by a British Ministry, that it was lawful to employ the weapon of famine against a hostile people. If England had permitted Russia's seizure of the American flour consigned to Japanese merchants on the steamship "Arabia" to pass without remonstrance, she would have acquiesced in the establishment of a precedent which might have spelled for her catastrophe. Our State Department would have shown itself equally short-sighted, had it failed to protest with promptness and firmness against the doctrine propounded at St. Petersburg; for, otherwise, in the event of England's becoming involved in a contest with two or more Continental Powers, and losing temporarily command of the sea, we might have been cut off from the largest consumer of our food products. The discussion of the "Arabia" affair has revealed to Americans and Englishmen the identity of their national interests in a vital particular. There is no doubt that the two peoples have been brought closer together by this incident of the Far-Eastern war.

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CONTRIBUTORS TO THIS NUMBER.

KARL BLIND,

who has been for many years an honored contributor to the REVIEW, was born at Mannheim, in Germany, in 1826. He studied jurisprudence at Heidelberg and Bonn. He was prominent as an agitator in connection with the uprisings of 1848 and 1849, and having been captured through the treachery of some comrades, he was sentenced to eight years' imprisonment. The people, however, taking advantage of a favorable opportunity, broke open the gaol and set him free. In 1852, he took refuge in England after a short residence in Belgium, and thence he has carried on a Democratic and National German Propaganda.

BARON LUDOVIC MONCHEUR

was born in Brussels in 1857 and was educated at the University of Louvain. He entered the diplomatic service as Attaché at The Hague in 1883, and was, successively, Secretary of Legation at Madrid, Vienna, Berlin and Lisbon, Counsellor of Legation at Rome and Minister to Mexico. He was appointed Minister Plenipotentiary at Washington in 1901. Baron Moncheur has written several studies of the economic condition of Mexico, where he has travelled extensively.

DR. ALLAN MCLANE HAMILTON

is a grandson of Alexander Hamilton, and a graduate of the College of Physicians and Surgeons of New York. For many years he has devoted himself to the special study of nervous and mental diseases. He was employed by the United States Government as expert in the trial of Guiteau for the assassination of President Garfield. He is Professor of Mental Diseases in the Medical College of Cornell University, and consulting physician to the Manhattan State Hospital for the Insane. Dr. Hamilton is the author of "A System of Legal Medicine," which is a standard authority, and he has made many other notable contributions to the literature of medical jurisprudence.

BRANDER MATTHEWS

is one of the best known of living American authors. He was born in New Orleans in 1852, and studied at Columbia College, where he graduated in 1871. He was admitted to the New York bar, but he turned from law to literature, to

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which, for many years, he has devoted an indefatigable and versatile pen. In 1892, he was appointed Professor of Dramatic Literature in Columbia University.

P. CHALMERS MITCHELL,

Lecturer on Biology at the London Hospital Medical College, was born in Dunfermline, Scotland, in 1864. He studied at the Universities of Aberdeen, Oxford, Berlin and Leipzig, gaining not a few of the honors open to students at these institutions. From 1888 to 1891 he was University Demonstrator in Comparative Anatomy and Assistant to Linacre Professor at Oxford; from 1892 to 1894, he lectured on Biology at the Charing Cross Hospital, London; and for four years, 1892-96, he was examiner in Biology to the Royal College of Physicians. His publications include "Outlines of Biology," "The Biological Problem of To-day," and a life of "Thomas Henry Huxley."

LUCIUS F. C. GARVIN

is a Southerner by birth. He was born in Knoxville, Tennessee, in 1841, and attended Guilford College in his native State. He graduated from Amherst College in 1862, and from Harvard Medical School in 1867. During the Civil War, he served as a private in the Fifty-first Massachusetts Volunteers. He has resided since 1864 in Rhode Island, to the Legislature of which State he has been elected fifteen times. Two years ago he was elected Governor of the State.

SILAS C. SWALLOW,

the candidate of the Prohibition party for the Presidency, is a Pennsylvanian by birth. From the common schools he went to Wyoming Seminary, and, having completed his education at Susquehanna University, he spent five years in teaching. After devoting some time to the study of law, he determined to fit himself for the ministry, and eventually entered the pulpit of the Methodist Episcopal Church, filling a number of important posts in Central and Southern Pennsylvania. For four years he was Presiding Elder in the district of Altoona, and he was twice a delegate to the General Conference. In recent years he has been engaged in literary labor in connection with the interests of his Church. He is editor of the *Pennsylvania Methodist,* and he is also Superintendent of the Methodist Publishing Interests for Central Pennsylvania. Dr. Swallow has always taken a vital interest in recent reform movements. He was nominated for State

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Treasurer on the Prohibition ticket in 1897 and polled 118,000 votes, the usual Prohibition vote being only 25,000. In 1898, he polled 132,000 votes on the Prohibition ticket for Governor.

MRS. MARION FOSTER WASHBURNE

was born in Massachusetts and moved to Chicago in childhood. After her marriage, when the problems arising out of the attempt to deal wisely with her children were thickening upon her, she began to write, partly to clear her own mind, and partly because she recognized her problems as typical of the time. In 1892 she entered the Froebel Kindergarten Training School, and took the regular teachers' course. Some time after graduating she became Education Editor of the *Chicago Evening Post*. Since that time she has written special articles and editorials for the newspapers. She has also contributed frequently to the magazines, writing chiefly about the training of children and the problems besetting the woman who wishes, without shirking her domestic duties, to do her part in the world's work. She has been for fifteen years actively interested in many reforms, chiefly for the benefit of women and children. She spoke at the World's Fairs in Chicago and St. Louis; before a Committee of Congress at Washington; and, when Illinois first admitted a limited franchise for women, she stumped the State, making sixty-three speeches in six weeks. In the winter of 1896-7, she attended the sessions of the Illinois Legislature for seventeen weeks, and was instrumental in getting a law passed permitting deaf children to attend the public schools, and providing a special teacher for them from the State funds. This law has since been adopted, with slight changes, in five other States. She has just brought out two books, "Every Day Essays," and her first novel, "A Little Fountain of Life."

CHARLES HARVEY GENUNG

passed from the Polytechnic Institute of his native city, Brooklyn, to Columbia University, where he graduated with two degrees in 1884. Proceeding to Germany, he devoted seven years to study in the Universities of Leipzig and Berlin. For a time he was engaged in literary work with Professor Herman Grimm and in the Goethe-Schiller archives of Weimar, being personally associated in his researches with the Grand Duke of Weimar. Since 1887, Mr. Genung has been connected with "The Nation," of New York, as foreign

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correspondent and general reviewer. He was Assistant Editor, under the late Charles Dudley Warner, of the "Library of the World's Best Literature."

W. R. HARPER

has had long and varied practical experience in education. He was born in New Concord, Ohio, in 1856, and graduated at Muskingum College. In 1875 he became principal of Masonic College, Macon, Tennessee; and, from 1879 to 1886, he was Professor of Hebrew in the Baptist Union Theological Seminary in Chicago. Thence he went to Yale University as Professor of Semitic Languages, and for two years he also lectured in that university on Biblical Literature. On the opening of the University of Chicago, he was appointed Professor of Semitic Language and Literature in that institution, of which he has been President since 1891. Dr. Harper was principal of the Chautauqua College of the Liberal Arts from 1885 to 1891, a member of the Chicago Board of Education from 1896 to 1898, and he is a director of the Haskell Oriental Museum. He has written a number of textbooks and treatises on linguistic and educational subjects.

JOHN CHARLTON

was educated in the United States, having been born near Caledonia in the State of New York in 1829. When a lad, he removed with his parents to Canada, and after working for four years on his father's farm, he opened a general country store at Lynedoch. He embarked in 1861 in the lumber business, in which he met with immediate success. In 1872, he was elected a member of the Canadian House of Commons, and he has retained his seat in that body since that time. During his parliamentary career he has initiated much useful legislation, and for years he has held a prominent place among the leading statesmen of the Dominion. Mr. Charlton has been a consistent advocate of extensive reciprocity of trade between Canada and the American Union.

CARMEN SYLVA.

The Queen of Roumania, PAULINE ELIZABETH OTTILIE LOUISE, who has assumed the literary pseudonym of "Carmen Sylva," occupies a place worthy of a queen in the world of letters. The readers of the REVIEW will recall with pleasure the beautiful "Story of a Helpful Queen" told by her in a recent number. A number of her books have been published in the United States.

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